IMPRISONMENT

BRITISH SEAMEN;

OR, THE

Sovereign Rule of South Carolina.

BY

F. C. ADAMS.

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Introduction.

We take up our pen to write a narrative illustrating the effect of slavery; and we do it with no ill-feeling toward the South, for we have conducted her leading journals during the agitation of her most important questions, associated otherwise in her public affairs, and been raised and educated in the spirit of her institutions, but with a knowledge that slavery vitiates public sentiment, obstructs the process of law, and defrauds justice—this we have traced through its varied avenues. In none were we so strikingly convinced of this fact as in witnessing the effect of a law made to arm fear and punish innocent men: we mean that law claiming a right to imprison *foreign seamen* because they are coloured. It may seem strange to our readers in the New England States, not acquainted with the merits of the law, that an innocent man should be manacled at noon-day and dragged to a

prison because he is coloured; but it will seem still more strange to Englishmen that such an exhibition should be performed upon a citizen of their country. We witnessed this barbarous spectacle carried out upon the person whose name forms a portion of the title of our work; and with pained feelings take up our pen to expose its mendacity, hoping that our Southern friends will profit by our hints, and root out the evils that are working their own downfall. We know Southern life and the South—we have its welfare at heart; yet we cannot remain silent while such outrages are committed before our eyes.

The question of imprisoning *foreign seamen* in certain ports of the Slave States has been discussed by several of our leading journals, and also by the London *Times* and *Globe;* but they have discussed it merely as an abstract question, without alluding to the suffering inflicted upon the victims. With all due deference to the opinions of the London *Times* on slavery and its attendants, we cannot forbear to say that a little more knowledge of its practical workings would serve a good purpose, and save the exhibition of its want. In the case of *Pereira,* however, it has manifested a worthy defence of English

rights against American slavery—a defence which it would have done credit to the *New York Journal of Commerce* to imitate, on behalf of the Northern States.

If imprisoning a shipwrecked sailor, and making it a penal offence for a freeman to come within the limits of a Republican State, whether voluntary or involuntary, be not the effect of slavery and its wrongs, we will ask its supporters to enlighten us further upon the subject. In South Carolina it is looked upon as common-place instead of barbarous; and may be accounted for by the fact that the power of a minority created in wrong requires barbarous expedients to preserve itself; and wrong becomes an habitual sentiment which usage makes right. We shall discuss the abstract right as a question of law, but narrate the sufferings of those who endure the wrong and injustice.

When we are called upon to support laws founded in domestic fear, that infringe upon the rights of foreign citizens, and are made subservient to various grades of mendacity, it becomes our duty to localise the stigma, and point out the odium which attaches to the State that enacts them.

Though the task be a delicate one for us, we shall show that law is a mere instrument of favour and not principle, and that justice hath no reign in the Slave States, and especially those of a central locality; that *a peculiar institution* absorbs public spirit, and takes precedence of everything; that its protection has become the *sacred* element of legislative and private action; and that fair discussion is viewed as ominous, and proclaimed as incendiary. But we speak for those who owe no allegiance to that delicate institution—citizens to all intents (notwithstanding their dark skins) of the countries to which they severally belong—peaceable persons pursuing their avocations to provide a maintenance for their families, and entitled to the same protective rights claimed by more fortunate citizens of such countries. In doing this, we shall draw our scenes from actual occurrences, and, at the same time, give a practical illustration of the imprisonment of English, French, and American seamen in South Carolina. When we have done this, we shall ask those who speculate in the abstract science of state sovereignty to reflect upon the issue of that lamentable injustice which inflicts punishment upon innocent persons, and whether it is not incumbent upon the Federal

Government to add a clause to the instructions to the commander of the expedition now fitting out for the purpose of seeking redress from the Government of Japan, that it shall first clear the stigma from ports in the federal domain!

We prefer to be plain, and we know our Southern friends will not accuse us of misconstruction; for we have their errors in view and their interests at heart, as well as the cause of humanity, which we shall strive to promote in spite of those who seek to perpetuate slavery, and bring it in contact with the rights of others. South Carolina must re-model her code before she can assert a power unknown to law, or trample upon the obligations of treaty, or enforce nullification of individual rights.

F. C. ADAMS.

Charleston, South Carolina,
July 17, 1852.

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By particular request, we have inserted the correspondence between her Britannic Majesty's Consul and the State Government. It only adds to the proof that a reckless disregard of national rights is manifested, and even insults inflicted upon the representatives of their Government wherever slavery exists. (*Page* 360.)

MANUEL PEREIRA.

CHAPTER I.

THE UNLUCKY SHIP.

THE British brig *Janson*, Thompson, master, laden with sugar, pimento, &c. &c., left Kingston, Jamaica, in the early part of March, in the year 1852, bound for Glasgow. The skipper, who was a genuine son of the "Land o' Cakes," concluded to take the inside passage, and run through the gulf. This might have been questioned by seamen better acquainted with the windward passage; but as every Scotchman likes to have his own way, the advice of the first officer—an experienced salt in the West India waters—went to leeward. On rounding Cape Antoine, it was evident that a strong blow was approaching. The clouds hung their dark curtains in threatening blackness; and, as the sharp flashes of lightning inflamed the gloomy scene, the little bark seemed like a speck upon the bosom of the sea. It was the first mate's watch on deck. The wind, then blowing from the W.S.W., began to increase and veer into the westward; from whence it suddenly chopped into the northward. The mate paced the quarter, wrapped in his fearnought jacket, and at every turn giving a glance aloft, then look-

ing at the compass, and again to the man at the wheel, as if he had an instinct of what was coming.

He was a fearless navigator, yet, like many others who had yielded to the force of habit, was deeply imbued with that prevalent superstition so common to sailors, which regards a particular ship as unlucky. Imagine an old-fashioned boatswain, with north-country features strongly marked, a weather-beaten face, and a painted south-wester on his head, and you have the *Mister Mate* of the old brig *Janson.*

"Keep her full, my hearty. We must take in our light sails and go on the other tack soon. If we don't catch it before daylight, I'll miss my calculation. She's an unlucky old craft as ever I sailed in; and if the skipper ain't mighty careful, he'll never get her across. I've sworn against sailing in her several times; but if I get across in her this time, I'll bid her good-bye; and if the owners don't give me a new craft, they may get somebody else. We're just as sure to have bad luck as if we had cats and parsons aboard."

Thus saying, he descended the companion-way, and reported the appearance of the weather to the skipper, who arose quickly, and, consulting his barometer, found it had fallen to near the lowest scale. After inquiring the quarter of the wind, and how she headed, what sail she was carrying, and the probable distance from the Cape, he gave orders to call all hands to take in the top-gallant-sails, double reef the fore, and single reef the main-top-sails, and stow the flying-jib—dressed himself, and came on deck. Just as he put his head above the slide of the companion, and stopped for a minute, with his hands resting upon the sides, a vivid flash of lightning

hung its festoons of fire around the rigging, giving it the appearance of a chain of livid flame.

"We'll catch the butt-end of a gulf-sneezer soon. Tell the boys to bear a hand with them sails. We must get her snug, and stand by to lay her under a double-reefed maintop-sail and jib, with her head to the northward and eastward. We may make a clear drift—chance if it lasts long," said Skipper Thompson, as he stood surveying the horizon and his craft. Scarcely had he given the orders before the storm burst upon them with all its fury. Its suddenness can only be appreciated by those who have sailed in the West India passages, where the sudden shocks of the short-chopping sea acts with a tremendous strain upon the hull of a heavy-laden vessel. The captain ran to the windward gangway, hurrying his men in the discharge of their duty, and giving another order to clew up the coursers and foretop-sail. Just as the men had executed the first, and were about to pull on the clew-lines of the latter, a sudden gust took effect upon the bag of the sail, and carried it clean from the bolt-ropes. The halyards were lowered and the yards properly braced up, while the *Janson* was brought-to under the canvas we have before described. In a few minutes more the wind had increased to a gale, and, as the sailors say, several times the old craft "wouldn't look at it." Several times we had to put her helm up, and as many times she shipped those forcing cross seas which drive everything before them, and sweep the decks. At length a piece of canvas was lashed to the fore-rigging, which gave her a balance, and she rode easy until about five o'clock in the morning, when, by a sudden broach, the canvas was carried away, and a tremendous sharp

sea boarded her forward—starting several stanchions, carrying away part of her starboard bulwark and rail, and simultaneously the foretopgallant-mast, which snapped just above the withe. As a natural consequence, everything was in the utmost confusion—the old hull worked in every timber. The wreck swayed two and fro, retarding the working of the vessel, and endangering the lives of those who attempted to clear it from obstruction. Thus she remained for more than half an hour, nearly on her beam-ends, and at the mercy of each succeeding sea that threatened to engulf her.

As daylight broke, the wind lulled, and, as usual in those waters, the sea soon ran down. Enabled to take the advantage of daylight, they commenced to clear away the wreck. In the mean time it was found necessary to remove the fore-hatch, in order to get out some spare sails that had been stowed away near the forward bulkhead, instead of a more appropriate place. The mate, after trying the pumps in the early part of the gale, reported that she had started a leak, which, however, was so trifling as to require but one man to keep her free, until she broached, and carried away her topgallant-mast. The man on duty then reported the water increasing, and another was ordered to assist him. On an examination in the morning, it was found that she was strained in the fore-channels, and had started a but.

"She's an unlucky concern, skipper," said the mate, as he brought the axe to take the battens off the fore-hatch. "A fellow might as well try to work a crab at low tide as to keep her to it in a blow like that. She minds her helm like a porpoise in the breakers. Old Davy must

have put his mark upon her some time; but I never know'd a lucky vessel to be got as she was. She makes a haul on the underwriters every time she drifts across; for I never knew her to sail clear since I shipped in the old tub. If she was mine, I'd find a place for her at somebody's expense."

The sea became smooth, the water was found to have receded, the wind, light, had hauled to W.S.W., and Cape Antoine was judged by dead reckoning to bear S.S.W. about thirty miles distant. The larboard fore-shrouds were found to have been scorched by the lightning, which had completely melted the tar from the after-shroud. All hands were now busily employed repairing the wreck, which by two o'clock P.M. they had got so far completed as to stand on their course in the gulf, at the rate of six knots an hour.

The skipper now consulted in his mind as to the expediency of making for Havana or proceeding on his cruise. The leak had materially diminished, and, like all old vessels, though she gave a good portion of work at the pumps, a continuation of good weather might afford an opportunity to shove her across. Under these feelings, he was inclined to give the preference to his hopes rather than yield to his fears. He considered the interest of all concerned—consulted his mate, but found him governed by his superstition, and looking upon the issue of his life about as certain whether he jumped overboard or "stuck by the old tub." He considered again the enormous port-charges imposed in Havana, the nature of his cargo in regard to tariff, should his vessel be condemned, and the ruinous expenses of discharging, &c. &c., together with the cost of repairs, providing they were ordered. All

these things he considered with the mature deliberation of a good master, who has the general interest of all concerned at heart. So, if he put away for a port, in consideration of all concerned, his lien for general average would have strong ground in maritime law; yet there were circumstances connected with the sea-worthy condition of the craft—known to himself, if not to the port-wardens, and which are matters of condition between the master and his owners—which might, upon certain technicalities of law, give rise to strong objectionable points. With all these glancing before him, he, with commendable prudence, resolved to continue his voyage, and trust to kind Providence for the best.

"Captain," said the mate, as he stood viewing the prospect, with a marlinespike in one hand and a piece of seising in the other, "I verily think, if that blow had stuck to us two hours longer, the old tub would a rolled her futtocks out. Ye don't know her as well as I do. She's unlucky anyhow, and always has been since she sot upon the water. I've seen her top-sides open like a basket when we've been trying to work her into port in heavy weather; and a craft that won't look nearer than nine points close hauled, with a stiff breeze, ought to be sent into the Clyde for a coal-droger. An old vessel's a perfect pickpocket to owners; and if this old thing hasn't opened their purses as bad as her own seams, I'll miss my reckonin'. I've had a strong foreknowledge that we wouldn't get across in her. I saw the rats leaving in Jamaica—taking up their line of march, like marines on the fore. It's a sure sign. And then I'd a dream, which is as sure as a mainstay—never deceives me. I can depend on its presentiment. I have dreamed it several

times, and we always had an awful passage. Twice we come within a bobstay of all goin' to Old Davy's storehouse. I once escaped it, after I'd had my mysterious dream; but then I made the cook throw the cat overboard just after we left port, and 'twas all that saved us."

Thus saying, he went forward to serve a topgallant-stay that was stretched across the forecastle-hatch from the cat-heads, and had just been spliced by the men, followed by an old-fashioned sea-urchin, a miniature of the tar, with a mallet in his hand. The captain, although a firm, intelligent man, and little given to such notions of fate as are generally entertained by sailors, who never shake off the spiritual imaginings of the forecastle, displayed some discomfiture of mind at the strong character of the mate's misgivings. He knew him to be a good sailor, firm in his duty, and unmoved by peril. This he had proved on several occasions when sailing in other vessels, when the last ray of hope seemed to be gone. He approached the mate again, and, with a pretence of making inquiries about the storage of the cargo, sounded him further in regard to his knowledge of the Bahamas, and with special reference to the port of Nassau.

"Six-tenths of her timbers are as rotten as punk," said the mate; "this North American timber never lasts long. The pump-wells are defective; and when we carry sail upon her, they don't affect the water in the lee-bilge, and she rolls it through her air-streaks like a whale. She'll damage the best cargo that ever floated, in that way. Take my word for it, skipper, she'll never go across the Banks—she'll roll to splinters as soon as she gets into them long seas; and if we get dismasted again, it's gone Davy."

"I know the old scow before to-day, and wouldn't shipped in her, if I hadn't been lime-juiced by that villanous landlord that advanced me the trifle. But I seen she was as deep as a luggerman's sand-barge, and I popped the old cat overboard, just as we rounded the point coming out o' Kingston harbour," said a fine, active-looking sailor—who bore every trait of a royal tar, and boasted of serving five years in the East India service—to his shipmate, while he continued to serve the stay. His words were spoken in a whisper, and not intended for the captain's ears. The captain overheard him, however; and, as a vessel is a world to those on board, the general sentiment carries its weight in controlling its affairs. Thus, the strong feeling which prevailed on board could not fail to have its effect upon the captain's mind.

"Well, we'll try her, at any rate," said the captain, walking aft, and ordering the cabin-boy to bring up his glass, with which he took a sharp look to the southward. "I'd shape her course for a southern Yankee port. I haven't been much in them, but I think we'll stand a better chance there than in these ports, where they make a speculation of wrecking, and would take a fellow's pea-jacket for salvage."

"We're always better under the protection of a consul than in a British port," said the mate, coming aft to inform the skipper that they had carried away the chains of the bobstay, and that the bowsprit strained her in the knight-heads.

CHAPTER II.

THE STEWARD'S BRAVERY.

During the worst of the gale, a mulatto man, with prominent features, indicating more of the mestizo than negro character, was moving in busy occupation about the deck, and lending a willing hand with the rest of the crew to execute the captain's orders. He was rather tall, well formed, of a light olive complexion, with dark, piercing eyes, a straight, pointed nose, and well-formed mouth. His hair, also, had none of that crimp so indicative of negro extraction, but lay in dark curls all over his head. As he answered to the captain's orders, he spoke in broken accents, indicating but little knowledge of the English language. From the manner in which the crew treated him, it was evident that he was an established favourite with them as well as the officers, for each appeared to treat him more as an equal than a menial. He laboured cheerfully at sailor's duty until the first sea broke over her, when, seeing that the caboose was in danger of being carried from the lashings and swept to leeward in the mass of wreck, he ran for that all-important apartment, and began securing it with extra lashings. He worked away with an earnestness that deserved all praise, not with the most satisfactory effect; for an angry sea, immediately succeeding, completely stripped the furnace of its woodwork, and in its force carried the

gallant fellow among its fragments into the lee-scuppers, where he saved himself from going overboard only by clinging to a stanchion.

The second mate, a burly old salt, ran to his assistance; but, before he reached him, our hero had recovered himself, and was making another attempt to reach his coppers. It seemed to him as much a pending necessity to save the cooking-apparatus as it did the captain to save the ship.

"He no catch me dis time," said he to the mate, smiling, as he lifted his drenched head from among the fragments of the wreck. "I fix-a de coffee in him yet, please God."

After securing the remains of his cooking-utensils, he might be seen busily employed over a little stove arranged at the foot of the stairs that led to the cabin. The smoke from the funnel several times annoyed the captain, who laboured under the excitement consequent upon the confusion of the wreck and peril of his vessel, bringing forth remonstrances of no very pleasant character. It proved that the good steward was considering how he could best serve Jack's necessities; and, while they were labouring to save the ship, he was studiously endeavouring to anticipate the craving of their stomachs. For when daylight appeared, and the storm subsided, the steward had a bountiful dish of hot coffee to relieve Jack's fatigued system. It was received with warm welcome, and many blessings were heaped upon the head of the steward. A good *doctor* is as essential for the interests of owners and crew as a good captain. So it proved in this instance; for while he had a careful regard for the stores, he never failed to secure the praises of the crew.

"When I gib de stove fire, den me gib de cap-i-tan,

wid de crew, some good breakfas'," said he, with a gleam of satisfaction.

This individual, reader, was Manuel Pereira, or, as he was called by his shipmates, *Pe-rah-re.* Manuel was born in Brazil, an extract of the Indians and Spanish, claiming birthright of the Portuguese nation. It mattered but very little to Manuel where he was born, for he had been so long tossed about in his hardy vocation that he had almost become alienated from the affections of birthplace. He had sailed so long under the protection of the *union-jack* of Old England that he had formed a stronger allegiance to that country than to any other. He had sailed under it with pride; had pointed to its emblem, as if he felt secure, when it was unfurled, that the register-ticket which that Government had given him was a coven[illegible] between it and himself; that it was a ticket to in[illegible] him to good behaviour in a foreign country; and that the flag was sure to protect his rights, and insure from the Government to which he sailed respect and hospitality. He had sailed round the world under it—visited savage and semi-civilised nations—had received the hospitality of cannibals, had joined in the merry dance with the Otaheitan, had eaten fruits with the Hottentots, shared the coarse morsel of the Greenlander, been twice chased by the Patagonians—but what shall we say? He was imprisoned, for the olive tints of his colour, in a land where not only civilisation rules in its brightest conquests, but chivalry and honour sound its fame within the lanes, streets, and court-yards. Echo asks, Where, where? We will tell the reader. That flag which had waved over him so long and in so many of his wayfarings—that flag that had so long boasted its rule upon the wave, and had pro-

tected him among the savage and the civilised—found a spot upon this wonderful globe where it ceased to do so, unless he could change his skin.

Manuel had never descanted upon the glories of freedom, neither *American* nor English—freedom in abstract, nor freedom as a privilege or indulgence; for he never supposed that the slight tints that shaded his countenance would subject him to the penalty of criminal law, or crush him beneath that stringent rule by which the oppressor holds his bondman.

There is a class of society in South Carolina, particularly *democratic*, setting itself against the justice of human laws and the rights of the world. It exhibits a wonderful disdain at everything not consonant with its own views of social construction and human classification—pursuing a course which is self-concentrating, and wasting its energies to elevate the aspirations and serve the interests of a few. It is always found pursuing small points, and, in its vain conceit, setting at defiance a knowledge of those national principles which constitute the great communion-table of a liberal Government. Its views are local, and constitute its Christendom, while its quickened impulses are derived from the morbid atmosphere that surround it—southern even to those selfish wrongs for which they plead a right against the simpleness of common-sense.

Through the influence of this arrogance on the part of South Carolina, we find one small section of a nation making a great whole responsible for its wrongs—setting up a local sovereignty to control a national power which moves in singular limitations, and shielding itself beneath a most singular federal covenant, that seems to annul

the right of a central influence. South Carolina pursues a course in accordance with the misconceptions of her people; and thus she claims to carry out her ordinances without regard to the feeling, rights, justice, or stipulation of the central Government with other nations. Her institutions are not based upon social progression, but are like gardens overgrown with rank weeds, decaying and marking the aged weakness of her judiciary, and the injustice of her laws. She struggles in her own abstractions, and strives to ornament her wrongs with seraphic love, that the stranger may inhale the fragrance without knowing the source from which it came.

CHAPTER III.

THE SECOND STORM.

On the fourth night succeeding the perilous position of the *Janson* off Cape Antoine, the brig was making about seven knots, current of the gulf included. The sun had set beneath heavy radiant clouds, which rolled up like masses of inflamed matter, reflecting in a thousand mellow shades, and again spreading their gorgeous shadows upon the rippled surface of the ocean, making the picture [illegible]ne and grand.

As darkness quickly followed, these beautiful transparencies of a West India horizon gradually changed into murky-looking monitors, spreading gloom in the sombre perspective. The moon was in its second quarter, and was rising on the earth. The mist gathered thicker and thicker as she ascended, until at length she became totally obscured. The captain sat upon the companion-way, anxiously watching the sudden change that was going on overhead; and, without speaking to anyone, rose, took a glance at the compass, and then went forward to the look-out, charging him to keep a sharp watch, as they were not only in a dangerous channel, but in the track of vessels bound into and out of the gulf. After this, he returned amidship, where the little miniature salt we have before described lay, with his face downward, upon the main-hatch, and, ordering him to bring the lead-line, he

went to leeward and took a cast; and, after paying out about twenty-five fathoms without sounding, hauled aboard again. The wind was southward and light. As soon as he had examined the lead he walked aft, and ordered the sheets eased and the vessel headed two points farther off. This done, he went below, and, shaking his barometer several times, found it had begun to fall very fast. Taking down his coast-chart, he consulted it very studiously for nearly half-an-hour, laying off an angle with a pair of dividers and scale, with mathematical minuteness; after which he pricked his course along the surface to a given point. This was intended as his course.

"Where do you make her, captain?" said the mate, as he lay in his berth.

"We must be off the Capes—we must keep a sharp look-out for them reefs. They are so deceptive that we'll be on to them before we know it. There's no telling by sounding. We may get forty fathoms one minute and strike the next. I've heard old West India coasters say the white water was the best warning," replied the captain.

"I'm mighty afraid of that Carysfort reef, since I struck upon it in 1845. I was in a British schooner then, bound from Kingston, Jamaica, to New York. We kept a bright look-out, all the way through the passage, and yet struck one morning just about daylight; and, five minutes before, we had sounded without getting bottom. When it cleared away, that we could see, there was two others like ourselves. One was the ship *John Parker*, of Boston, and the other was a 'long-shoreman. We had a valuable cargo on board, but the craft wasn't hurt a bit; and if the skipper—who was a little colonial man, not much ac-

quainted with the judicial value of a wrecker's services—had a taken my advice, he wouldn't 'got into the snarl he did at Key West, where they carried him, and charged him thirty-six hundred dollars for the job. Yes, and a nice little commission to the British consul for counting the doubloons, which, by-the-bye, skipper, belonged to that great house of Howland and Aspinwalls. They were right clever fellows, and it went into the general average account for the relief of the underwriters' big chest," continued the mate.

"We must have all hands ready at the call," said the captain. "It looks dirty overhead, and I think we're going to catch it from the north-east to-night. If we do, our position is not as good as before. I don't feel afraid of her, if we only get clear of this infernal coast," said the skipper, as he rolled up his chart, and repaired on deck again.

During this time, Manuel, who had given the crew some very acceptable hot cakes for supper, was sitting upon the windlass, earnestly engaged, with his broken English, recounting an adventure he had on the coast of Patagonia, a few years previous, while serving on board a whaleman, to a shipmate who sat at his left. It was one of those incidents which frequently occur to the men attached to vessels which visit that coast for the purpose of providing a supply of wood and water, and which would require too much space to relate here.

"Did you run, Manuel?" said the listening shipmate.

"What else did me do? If I no run, I'd not be here dis night, because I be make slave, or I be killed wid club. Patagonian don't care for flag, nor not'in' else. I

trust-e my leg; an' he get to de boat jus' when cap-i-tan come to rescue."

"Was you board an Englishman, then, Manuel?" inquired the shipmate.

"Yes; I'm always sail in English ship, because I can get protection from flag and consul, where I go—any part of globe," said he.

"I never liked this sailing among barbarous nations; they've no respect for any flag, and would just as lief imprison an Englishman or an American as they would a dog. They're a set of wild barbarians; and if they kill a fellow, there's no responsibility for it. It's like a parcel of wolves chasing a lamb, and there's no finding them after they've killed it. But they give a fellow his rights in Old England and the States. A man's a man there, rich or poor; and his feelings are just as much his own as anybody's. It's a glorious thing, this civilisation; and if the world keeps on, there'll be no danger of a fellow's being imprisoned and killed among these savages. They're a cowardly set; for nobody but cowards are afraid of their own actions. Men neither imprison nor kill strangers that don't fear the injustice of their own acts. You may smoke that in your pipe, Manuel, for I've heard great men say so. But you'd been done making dough-nuts, then, Manuel, if they'd got hold o' you?"

"Never catch Manuel among Patagonians again; they not know what the flag be, nor they can't read de registrum-ticket, if they know'd where England was," said Manuel; and just as he was concluding the story of his adventure, the little sailor-boy put his arm around Manuel's waist, and, laying his head on his breast, fondled about him with an affectionate attachment. The little

fellow had been a shipmate with Manuel on several voyages, and, through the kindness he had received at his hands, naturally formed an ardent attachment to him. Taking advantage of the good treatment, he knew how to direct his attention to the steward whenever he wanted a snack from the cabin-locker of that which was not allowed in the forecastle. After holding him for a minute, encircling his arm around the little fellow's shoulder, he arose, and saying, "I know what you want, Tommy," proceeded to the cabin and brought him several little eatables that had been left at the captain's table.

The wind now began to veer and increase; her sails kept filling aback; and as often as the man at the helm kept her off, the wind would baffle him, until, finding it would be necessary to go on the other tack, or make some change of course, he called the captain. The moment the latter put his foot upon deck he found his previous predictions were about to be verified. The rustling noise of the gulf, mingling its solemn sounds with the petrel-like music of that foreboding wind that "whistles through the shrouds," awakened the more superstitious sensations of a sailor's heart. The clouds had gathered their sombre folds into potent conclaves, while the sparkling brine in her wake seemed like a fiery stream rolling its troubled foam upon the dark waters.

"Brace the yards up sharp—hard a-starboard!—and trim aft the sheets," ordered the captain, who had previously given the order, "All hands on deck!"

The order was scarcely executed before the noise of the approaching gale was heard in the distance. All hands were ordered to shorten sail as quickly as possible; but before they could get aloft, it came upon them with

such fury from E.N.E. as to carry away the foretop-mast and topgallant-mast, together with its sails, and the main-topgallant-mast with the sail. The foretop-mast, in going by the board, carried away the flying-jib-boom and flying-jibs. Thus the ill-fated *Janson* was doomed to another struggle for her floating existence. The sea began to rise and break in fearful power; the leak had already increased so that two men were continually kept working the pumps. The crew, with commendable alacrity, cut away the wreck, which had been swaying to and fro, not only endangering the lives of those on board, but obstructing every attempt to get the vessel into any kind of working order. The main-sail had rent from the leash to the peak of the gaff, and was shaking into shreds. The starboard sheet of the maintop-sail was gone, and it had torn at the head from the bolt-rope, flying at every gust like the shreds of a muslin rag in a hail-storm. Without the government of her helm, she lay in the trough of the sea more like a log than a manageable mass. Sea after sea broke over her, carrying everything before them at each pass. The officers and crew had now as much as they could do to retain their hold, without making any effort to save the wreck; while the men at the pumps could only work at each subsiding of the sea, and that under the disadvantage of being lashed to the frame A more perilous position than that in which the old brig *Janson* now lay, it was impossible to imagine.

"'Tis the worst hurricane I've ever experienced upon the West India coast, captain, but it's too furious to last long; and if she don't go to pieces before morning, I'll give her credit for what I've always swore against her. She can't keep afloat, though, if it hangs on another hour

in this way," said the mate, who, with the captain and Manuel, had just made an ineffectual attempt to rig a storm stay-sail, to try and lay her to under it; for the mate swore by his knowledge of her qualities, that to put her before it would be certain foundering. The gale continued with unabated fury for about two hours, and stopped about as suddenly as it commenced. The work of destruction was complete; for, from her water-line to the stump of the remaining spars, the *Janson* floated a complete wreck.

The captain gave orders to clear away the wreck, and get what little sail they could patch up upon her, for the purpose of working her into the nearest port. The mate was not inclined to further the order, evidently labouring under the strong presentiment that she was to be their coffin. He advised that it was fruitless to stick by her any longer, or hazard an attempt to reach a port with her in such a leaky and disabled condition. "If we don't abandon her, skipper," said he, "she'll abandon us. We'd better make signal for the first vessel, and bid the old coffin good-bye."

The captain was more determined in his resolution, and, instead of being influenced by the mate's fears, continued his order, and the men went to work with a cheerful willingness. None seemed more anxious to lend a ready hand than Manuel, for, in addition to his duties as steward, he had worked at sail-making, and both worked at and directed the repairing of the sails. Those acquainted with maritime affairs can readily appreciate the amount of labour necessary to provide a mess with the means at hand that we have before described. And yet he did it to the satisfaction of all, and manifested a

restless anxiety lest he should not make everybody comfortable, and particularly his little pet boy, Tommy.

"We'll get a good observation at meridian, and then we shall shape our course for Charleston, South Carolina. We'll be more likely to reach it than any other southern port," said the captain to his mate. "That steward Manuel is worth his weight in gold. If we have to abandon the old craft, I'll take him home; the owners respect him just as much as a white man; his politeness and affability could not but command such esteem with a man that ain't a fool. I never believed in making equals of negroes; but if Manuel was to be classed with niggers, for all the nigger-blood that's in him, seven-tenths of the inhabitants of the earth would go with him. I never saw such an attachment between brothers, as exists between him and Tommy. I verily believe that one couldn't go to sleep without the other. I should think they were brothers, if the lad wasn't English and Manuel a Portuguese. But Manuel is as much an Englishman at heart as the lad, and has sailed so long under the flag that he seems to have a reverence for the old jack when he sees the bunting go up. He likes to tell that story about the Patagonians chasing him. I have overheard him several times, as much amused in his own recital as if he was listening to the quaint jokes of an old tar. But he swears the Patagonians will never catch him on their shores again, for he says he doesn't believe in making 'drum-head of man-skin,'" said the captain, evidently with the intention of affecting the mate's feelings, and drawing his mind from its dark forebodings.

"Well, skipper, I pray for a happy deliverance," said the mate; "but if we make Charleston with her, it'll be

a luck that man nor mermaid ever thought of. I hearn a good deal o' tell about Charleston and the Keys. That isn't one of the places our stewards are so 'fraid of, and where owners don't like to send their ships when they can find freight in other ports?"

"I expect it is, sir; but I apprehend no such trouble with any of my crew," answered the captain promptly. "I sail under the faith of my nation's honour and prowess, the same as the Americans do under theirs. We're both respected wherever we go; and if one little State in the Union violates the responsibility of a great nation like that, I'm mistaken. Certainly, no nation in Christendom could be found that wouldn't open their hearts to a ship-wrecked sailor. I have too much faith in what I have heard of the hospitality of Southerners to believe anything of that kind."

"Talk's all very well, skipper," said the mate; "but, my word for it, I know'd several ships lying in the Mersey, about three years ago, bound to Southern ports for cotton. White stewards, worth anything, couldn't be had for love nor money, and the coloured ones wouldn't ship for ports in Slave States. The *Thebis* got a coloured man; but the owners had to pay him an enormous advance, and this, too, with the knowledge of his being locked up the whole time he was in port; thus having to incur the very useless expense of supplying his place, or find boarding-house accommodations for the officers and crew. If it be true what I've 'hearn 'em say in the Mersey, the man doesn't only suffer in his feelings by some sort of confinement they have, but the owners suffer in pocket. But it may be, skipper, and I'm inclined to think with you, our case is certainly deplorable enough to command

pity instead of imprisonment. The Government must be found cutting a dirty figure on the national picture that would ill-treat sailors who had suffered as much as our boys have. I would hate to see Manuel shut up or ill-used. He's as brave a fellow as ever buckled at a hand-spike or rode a jib-boom. Last night, while in the worst of the gale, he volunteered to take Higgins's place, and, mounting the jib-boom, was several times buried in the sea; yet he held on like a bravo, and succeeded in cutting away the wreck. I thought he was gone once or twice, and I own I never saw more peril at sea; but if he hadn't effected it, the foot of the bowsprit would have strained her open in the eyes, and we'd all been sharks'-bait before this. The fellow was nearly exhausted when he came on board. Says I, 'It's gone day with you, old fellow;' but he come to in a little while, and went cheerily to work again," continued Mr. Mate, who, though pleased with the captain's determination to make the nearest port, seemed to dread that all would not be right in Charleston—that the bar was a very intricate one, water very shoal in the ship-channel, and, though marked with three distinctive buoys, numbered according to their range, impossible to cross without a skilful pilot. The mate pleaded a preference for Savannah, asserting, according to his own knowledge, that a ship of any draft could cross that bar at any time of tide, and that it was a better port for the transaction of business.

The *Janson* was headed for Charleston, the queen city of the sunny South, and, as may be expected from her disabled condition, made very slow progress on her course. During the gale, her stores had become damaged; and on the third day before making Charleston light, Manuel

Pereira came aft, and, with a sad countenance, reported that the last cask of good water was nearly out—that the others had all been stove during the gale, and what remained was so brackish that it was unfit for use. From this time until their arrival at Charleston, they suffered those tortures of thirst which only those who have endured them can estimate.

CHAPTER IV.

THE CHARLESTON POLICE.

MR. DURKEE had said in Congress that a negro was condemned to be hung in Charleston for resisting his master's attempts upon the chastity of his wife; and that such was the sympathy expressed for the negro, that the sheriff's offer of one thousand dollars could induce no one present to execute the final mandate. Now, had Mr. Durkee been better acquainted with that social understanding between the slave, the pretty wife, and his master, and the acquiescing pleasure of the slave, who, in nineteen cases out of twenty, congratulates himself on the distinguished honour, he would have saved himself the error of such a charge against the tenor of social life in Charleston; or, had he been better acquainted with the character of her police, he certainly would have saved the talent of Mr. Aiken its sophomore display in that cumbrous defence. In the first place, Mr. Durkee would have known that such attempts are so common among the social events of the day, and so well understood by the slave, that, instead of being resented, they are appreciated to a great extent. We speak from long experience and knowledge of the connexion between a certain class of slaves and their masters. In the second place, Mr. Durkee would have known that any man connected with the city police—save its honourable mayor, to whose character we

would pay all deference—would not, for *conscience' sake*, scruple to hang a man for five dollars. We make no exception for colour or crime. A qualification might be called for, more adapted to our knowledge of it as it has existed for the last four or five years; but we are informed by those whose lives and fortunes have been spent for the moral elevation of the city police that it was even worse at the time referred to.

The reader may think we are making grave charges. Let us say, without fear of refutation, they are too well known in the community that tolerates them. As a mere shadow of what lays beneath the surface, we would refer to the only independent speech we ever listened to in Charleston, except when self-laudation was the theme, made by G. R——, Esq., in one of the public halls some time since. Mr. R—— is a gentleman of moral courage and integrity, and, without fear or trembling, openly denounced the corruption and demoralisation of the police department. Even the enemies of his party, knowing the facts, appreciated his candour as a man, while they denounced the publicity (for his speech was paraded by the press), lest the fair name of the queen city should suffer abroad. A beautiful farce followed this grave exposition. The board of aldermen, composed of fourteen men of very *general* standing, remained mum under the accusation for a long time. Its object was to show up the character of a class of officials whose character and nefarious arts have long disgraced the city. But, in order to make a display of his purity, Mr. C——, a gentleman entitled to high moral consideration, chose to make it a personal matter; yet, not content with a private explanation given by Mr. R——, he made a call through the press. Mr. R——

responded in a proper and courteous manner, acknowledging the due respect to which Mr. C——'s private character was entitled; thus increasing the ambition of the board generally, who, with the expectation of Mr. R—— making a like acknowledgment to them as a body (not excepting their honourable head), made a demand in joint-officio. This being duly signalised through the columns of the *Courier and Mercury,* Mr. R—— met it with a response worthy of a gentleman. He referred them to the strongest evidence of his assertions, in the countenance which they gave to a class of officials too well known to the community for the honour of its name and the moral foundation of its corporate dignity. Thus ended a great municipal farce, to prolong which the principal performers knew would disclose the intriguing scenes of their secondary performers. The plot of this melo-comic concern was in the sequel, and turned upon the very grave fact of Mr. C—— having, some time previous, withdrawn from the honourable board to preserve some very delicate considerations for *conscience' sake.*

How much spiritual consolation Mr. C—— realised through the acknowledgment of Mr. R——, or the honourable board in joint-officio, from the firm admonition, we leave for the secondary consideration of proper wives and daughters.

But the reader will ask, what has this to do with poor Manuel Pereira, or the imprisonment of free citizens of a friendly nation? We will show him that the complex system of official spoliation, and the misrepresentations of the police in regard to the influence of such persons upon the slave population, is a principal feature in its enforcement. To do this, we deem it essentially necessary to

show the character of such men and the manner in which this law is carried out. We shall make no charges that we cannot sustain by the evidence of the whole city proper, and with the knowledge that truth is stranger than fiction.

What will the reader say when we tell him that, among the leading minds of the city—we say leading minds, for we class those who are considered foremost in the mercantile sphere among them—are three brothers, unmarried, but with mistresses bought for *the* purpose, whose dark skins avert the tongue of scandal; that twice men were sold, because of the beauty of their wives, to distant traders, that the brothers might cast off their old mistresses, and appropriate new ones to an unholy purpose; that these men enjoy their richly-furnished mansions, are known for their sumptuous entertainments, set an example of mercantile honour and integrity, are flattered among the populace, receive the attentions of very fine and very virtuous ladies, wield a potential voice in the city government, and lead in the greatest development of internal improvements; that these men even whisper high-sounding words of morality, and the established custom considers their example no harm when colour is modified?

We shall dissect principal characters to show the deformity of the compact.

To speak of that which is so rapidly consuming the good fare of others, and filling the cup of sorrow for so many, at the expense of proper wives and proper daughters, would be too manifold in delineation, and, if we excuse the Southern acceptation, too peculiarly delicate for our present purposes. Hence, we must content ourselves with that which is more direct.

In the elective franchise power is given to men to manifest the prominent features of the social being. There is no better mode of judging it than through the character of elected representatives, who regard the obligations conferred upon them with laxity or propriety, and give to minor dependants the covenant of moral honesty and character, in its valuable acceptation. We will leave the reader to judge how far this municipal pretence is founded upon any ground of right or self-protection, when we describe the tenor of the department itself.

That there is an inconsistent and most strange breach between law and custom, giving a right in custom to do that which, if done by law, would consign to unhallowed exclusion, is natural wherever slavery exists, virtually granting a caveat to licentiousness, but condemning the prerogative of the law when it interferes to promote the moral well-being of society.

What will the reader think when we tell him that there is no city-marshal in Charleston, but innumerable marshalled men, supported by an onerous tax upon the people to quiet the fears of a few? And what will they think when we tell them that the man whose name is so frequently sounded through the columns of the press as the head of police, and applauded for his activity among thieves, is the well-known prince-officio of a voluptuous dwelling, where dazzling licentiousness fills his pockets with the spoils of allurement? This man has several counterparts, whose acts are no secrets to the public ear, and who turn their office into a mart of intrigue, and have enriched themselves upon the bounty of espionage and hush-money, and now assert the dignity of their

purse. It may be asked, why are these men kept in office? or have these offices become so disgraced that honest men will not deign to accept them? No! such is not the case. It is that moral integrity is not considered in its proper light, and is not valued as it should be; that these men have a secret influence which is well known, and are countenanced and retained for the weight of their control among a certain class; and, strange to say, that the party *ex officio* make these demoralising things the basis of their complaints against the "powers that be;" yet such is their feeble dependence, that no sooner are they in office than we have the repetition of the same things.

Now, how far his honour is answerable for these things we must leave the reader to judge. The leading characteristics of his nature conflict with each other; his moral character is what is considered sound here; and truly he is entitled to much respect for his exemplary conduct, whether it be only exerted as an example, or the heartfelt love of Christian purity. Some people are pious from impulse, and become affected when purpose serves to make it profitable. We, however, are not so uncharitable as to charge such piety to our worthy head of the city government, but rather to a highly-developed organ of the love of office, which has outgrown the better inclinations of his well-established Christianity.

We must invite the reader's attention to another and still more glaring evidence of the demoralisation of social life in Charleston. A notorious woman who has kept the worst kind of a brothel for years, where harlots of all shades and importations break the quietude of night with their polluted songs, becomes so bold in her infamy that she appeals to the gracious considerations of the city

council (board of aldermen). How is this? Why, we will tell the reader. She remained unmolested in her trade of demoralisation, amassed a fortune which gave her boldness, while her open display was considered very fine fun for the joking propensities of officials and gallants. With her wealth she reared a splendid mansion to infamy and shame, where she, and such as she, whose steps, the wise man tells us, "lead down to hell," could sway their victory over the industrious poor. So public was it, that she openly boasted its purpose and its adaptation to the ensnaring vices of passion. Yes, this creature in female form had spread ruin and death through the community, and brought the head of many a brilliant young man to the last stage of cast-off misery. And yet, so openly tolerated and countenanced by leading men are these things that, on the 31st of July, 1852, this mother of crime appeals to the honourable board of aldermen, as appeared in the "Proceedings of Council" in the *Charleston Courier*, of that date, in the following manner :—

"Laid over until a moneyed quorum is present.

"Letter from Mrs. G. Pieseitto, informing Council that having recessed her new brick building in Beresford-street at least two feet, so as to dedicate it to the use of the citizens of Charleston, if they will pave with flag-stones the front of her lot, respectfully requests that, if accepted, the work may be done as soon as possible. Referred to the Aldermen, Ward No. 4." The street is narrow and little used, except for purposes known to the *lanterns*, when honest people should sleep. The information might have been couched with more modesty, when the notoriety of the woman and the dedication of her tabernacle of vice was so public. How far the sensitive

aldermen of the fourth ward have proceeded in the delicate mission, or how much champagne their modest consideration has cost, the public have not yet been informed. Rumour says everything is favourable. We are only drawing from a few principal points, and shall leave the reader to draw his own inference of the moral complexion of our social being. We make but one more view, and resume our story.

An office connected with the judiciary, so long held as one of high responsibility and honourable position, is now held merely as a medium of miserable speculation and espionage. It is an elective office, the representative holding for four years. The present incumbent was elected more through charity than recompense for any amiable qualities, moral worth, or efficient services to party ends. A more weak man could not have been drawn from the lowest scale of party hirelings, though he had abdicated the office once before to save his name and the respectability of the judiciary. It may be said, he was elected in pity to speculate on misery; and thus it proved in the case of MANUEL PEREIRA. This functionary was elected by a large majority. Could his moral worth have been taken into consideration? We should think not. For several times have we been pointed to two interesting girls—or, if their colour was not shaded, would be called young ladies—promenading the shady side of King-street, with their faces deeply veiled, and informed who was their father. The mother of these innocent victims had been a mother to their father, had nursed him and maintained him through his adversity, and had lived the partner of his life and affections for many years, and had reared to him an interesting but

fatal family. But no sooner had fortune begun to shed its smiling rays than he abandoned the one that had watched over him for the choice of one who could boast no more than a white skin.

If men who fill high places live by teaching others to gratify their appetites and pleasures alone, instead of setting a commendable example for a higher state of existence, by whom can we expect that justice and moral worth shall be respected?

Connected with the city constabulary are two men whose duty it is to keep a *sharp* look-out for all vessels arriving, and see that all negroes or coloured seamen are committed to prison. One is a South Carolinian, by the name of Dusenberry, and the other an Irishman, by the name of Dunn. These two men, although their office is despicable in the eyes of many, assume more authority over a certain class of persons, who are unacquainted with the laws, than the mayor himself. The former is a man of dark, heavy features, with an assassin-like countenance, more inclined to look at you distrustfully than to meet you with an open gaze. He is rather tall and athletic, but never has been known to do anything that would give him credit for bravery. Several times he has been on the brink of losing his office for giving too much latitude to his craving for perquisites; yet, by some unaccountable means, he manages to hold on. The other is a robust son of the Emerald Isle, with a broad florid face, low forehead, short crispy hair, very red, and knotted over his forehead. His dress is usually very slovenly and dirty; his shirt-collar bespotted with tobacco-juice, and tied with an old striped bandana handkerchief. This, taken with a very wide mouth, flat nose, vicious eye, and a

countenance as hard as ever came from Tipperary, and a lame leg, which causes him to limp as he walks, gives our man Dunn the incarnate appearance of a fit body-grabber. A few words will suffice for his character. He is known to the official department, of which the magistrates are a constituent part, as a notorious ——l; and his better-half, who, by-the-way, is what is called a free-trader—meaning to save the rascality of a husband, sells liquor by small portions, to suit the Murphys and the O'Neals. But, as it pleases our Mr. Dunn, he very often becomes a more than profitable customer, and may be found snoring out the penalty in some sequestered place, too frequently for his own character. Between the hours of ten and twelve in the morning, Dunn, if not too much incapacitated, may be seen limping his way down Broad-street, to watch vessels arriving and departing, carrying a limp cane in one hand, and a large covered whip in the other. We were struck with the appearance of the latter, because it was similar to those carried in the hands of a rough, menial class of men in Macon, Georgia, who called themselves *marshals*, under a misapplication of the term. Their office was to keep the negro population *straight*, and do the whipping, when called upon, at fifty cents a head. They also did the whipping at the jails, and frequently made from five to six dollars a day at this alone; for it is not considered fashionable for a *gentleman* to whip his own negro. We noticed the universal carrying of this whip, when we first visited Macon, some four years ago, and were curious to know its purport, which was elucidated by a friend; but we have since seen the practical demonstrations painfully carried out. Those who visited Boston for the recovery of Crafts and Ellen—

whose mode of escape is a romance in itself—were specimens of those *marshals*. How they passed themselves off for gentlemen we are at a loss to comprehend.

During the day, the Messrs. Dusenberry and Dunn may be seen at times watching about the wharves, and again in low grog-shops—then pimping about the "Dutch beer-shops and corner-shops"—picking up, here, and there, a hopeful-looking *nigger*, whom they drag off to limbo, or extort a bribe to let him go. Again, they act as monitors over the Dutch corner-shops, the keepers of which pay them large sums to save themselves the heavy licence fine and the information docket. When they are no longer able to pay over hush-money, they find themselves walked up to the captain's office, to be dealt with according to the severe penalty made and provided for violating the law which prohibits the sale of liquor to negroes without an order. The failure to observe this law is visited with fine and imprisonment—both beyond their proportionate deserts, when the law which governs the sale of liquor to white men is considered. Things are very strictly regulated by complexions in South Carolina; and law is made subservient to position and personal indulgence. The example of the master begets a desire to imitate in his slaves, and here a nice subject for judicial complexity presents itself in the effect of Southern laws; and while custom tolerates the offences of one man, law punishes the same in another as criminal. For instance, the master sets the most dissipated and immoral examples in his own person, and allows his children not only to exercise their youthful caprices, but to gratify such feelings as are pernicious to their moral welfare upon his slaves. Now, the question

is, that, knowing the negro's power of imitation, ought not some allowance to be made for copying the errors of his master? Yet such is not the case; for the slightest deviation from the strictest rule of discipline brings condign punishment upon the head of the offender.

CHAPTER V.

MR. GRIMSHAW, THE MAN OF THE COUNTY.

On the 22nd of March, 1852, about ten o'clock in the morning, a thin, spare-looking man, dressed in a black cashmeret suit, swallow-tail coat, loose-cut pants, a straight-breasted vest, with a very extravagant shirt-collar rolling over upon his coat, with a black ribbon tied at the throat, stood at the east corner of Broad and Meeting street, holding a very excited conversation with officers Dusenberry and Dunn. His visage was long, very dark—much more so than many of the coloured population—with pointed nose and chin, standing in grim advance to each other; his face narrow, with high-cheek bones, small, peering eyes, contracted forehead, reclining with a sunken arch between the perceptive and intellectual organs—or, perhaps, we might have said, where those organs should have been. His countenance was full of vacant restlessness; and as he stared at you through his glasses, with his silvery grey hair hanging about his ears and neck in shaggy points, rolling a large quid of tobacco in his mouth, and dangling a little whip in his right hand, you saw the index to his office. As he raised his voice—which he did by twisting his mouth on one side, and working his chin to adjust his enormous quid—the drawling tone in which he spoke gave a picture not easily forgotten.

"You must pay more attention to the arrivals," said he in a commanding tone. "The loss of one of these fellers is a serious drawback to my pocket; and that British consul's using the infernalest means to destroy our business that ever was. He's worse than the vilest abolitionist, because he thinks he's protected by that flag of their'n. If he don't take care, we'll tar-and-feather him; and if his Government says much about it, she'll larn *what* and *who* South Carolina is. We can turn out a dozen Palmetto regiments that'd lick anything John Bull could send here, and a troop o' them d——d Yankee abolitionists besides. South Carolina's got to show her hand yet against these fellers, afore they'll respect the honour and standing of her institutions. They can't send their navy to hurt us. And it shows that I always predicts right; for while these commercial fellers about the wharves are telling about digging out the channel, I've al'ays said they didn't think how much injury they were doing; for it was our very best protection in war-time. South Carolina can lick John Bull, single fisted, any time; but if that pack of inconsiderate traders on the wharves get their own way, away goes our protection, and John Bull would bring his big ships in and blow us up. And these fellers that own ships are getting so bold that a great many are beginning to side with Mathew, the consul. Yes, they even swear that 'tis the officials that stick to the law for the sake of the fees. Now, if I only knew that the consul was the means of that Nassau nigger getting away, I'd raise a mob, and teach him a lesson that South Carolinians ought to have teached him before. It took about seventeen dollars out of my pocket; and if I was to sue him for it, I could get no recompense. The

next time you allow one to escape, I must place some other officer over the port," said our man, whom we shall continue to call Mr. Grimshaw.

"Sure, I heard the same consul, when spakin to a gintleman, say that the law was only an abuse of power, to put money into the pockets of yourself and a few like ye. And whin meself and Flin put the irons on a big nigger that the captain was endeavouring to skulk, by keeping him in the forecastle of the ship, he interfered between me and me duty, and began talking his balderdash about the law. Sure, with his own way, he'd have every nigger in the city an abolitionist in three weeks. And sure, Mr. Sheriff, and ye'd think they were babies, if ye'd see himself talk to them at the jail, and send them up things, as if they were better than the other criminals, and couldn't live on the jail fare," said officer Dunn, who continued to pledge himself to the sheriff that the wharves should not be neglected, nor a hopeful English darky escape his vigilant eye.

"For my own part, I think they're better off in jail than they would be on the wharf," continued Grimshaw. "They're a worthless set, and ha'n't half the character that a majority of our slaves have; and instead of attending the captain on board, they'd be into Elliot-street, spending their money, getting drunk, and associating with our worst niggers. And they all know so much about law, that they're always teaching our bad niggers the beauties of their government, which makes them more unhappy than they are. Our niggers are like a shoal of fish: when one becomes diseased, he spreads it among all the rest; and before you know where you are, they're done gone."

"They're not very profitable customers for us, sheriff," said Dusenberry. "We have a deal of watching, and a mighty smart lot of trouble after we get them fellows; and if we get a perquisite, it never amounts to much, for I seldom knew one that had money enough to treat as we took him up. These Britishers a'n't like us, they don't pay off in port; and if the fellows get anything in jail from the consul, it's by drib-drabs, that a'n't no good, for it all goes for liquor. And them criminals make a dead haul upon a black steward as soon as he is locked up. But if these sympathising fools follow up their bugbears about the treatment at the jail, they'll get things so that our business won't be worth a dollar. For my own part, I'm not so much beholdin', for I've made myself comfortable within the last few years; but I want my son to succeed me in the office. But if this consul of their'n keeps up his objections, appeals, and his protests in this way, and finds such men as his honour the district-attorney to second him with his nonsense and his notions, folks of our business might as well move north of Mason and Dixon's."

"I can wake him up to a point," said Grimshaw, "that that abolition consul ha'n't learnt before; and if he'd stuck his old petition in Charles Sumner's breeches-pocket, instead of sending it to our Legislature, he might have saved his old-womanish ideas from the showin' up that Myzeck gave 'em. It takes Myzeck to show these blue-skin Yankees how to toe the mark when they come to South Carolina. If South Carolina should secede, I'd say, give us Myzeck and Commander to lead our war, and we'd be as sure to whip 'em as we won the Mexican war for the Federal Government. There is three things

about an Englishman, Dusenberry, which you may mark for facts. He is self-conceited, and don't want to be advised—he thinks there is no law like the law of England, and that the old union-jack is a pass-book of nations—and he thinks everybody's bound to obey his notions of humanity and the dictates of his positive opinions. But what's worse than all, they've *never* seen the sovereignty of South Carolina carried out, and, according to Consul Mathew's silly notions, they think we could be licked by a gun-boat.

"It's no use arguing this thing, you must keep a keen eye upon the English niggers; and when a man pretends to dispute the right, tell him it's '*contrary to law*,' and to look at the statute-books; tell him it costs more to keep them than they're all worth; and if they say the law was never intended for foreign citizens, tell 'em its '*contrary to law*,' and that the object of the law being self-protection, the right is made manifest, and is its own dispenser. My old father was killed in the Revolutionary War, for he was a good old feller, and never said his prayers without reminding his children to avenge themselves on the red-coats and Tory niggers. I an't forgot it; nor I've never liked English soldiers and English niggers since. English niggers are the very worst kind of niggers—stubborn, saucy, and just as independent as white folks. English folks don't know how to bring the sulky out o' ther niggers; and if you undertake to paddle 'em, they sit themselves upon their infernal black dignity just as if they were men. If I'd got that Nassau nigger, I'd a played a tune on his black back that 'd repaid the fees in music.

"If a man wants to know how they serve them ere

Britishers and abolitionists, he must just go to Columbia and hear our politicians talk it up. They do it lengthways, with a sort of a slant—just as we hang niggers; they make an insolvent constitution for old England, and put it into Uncle Sam jist about where he feels for the balance of power, when he an't got it. Them Britishers hasn't larned what our politicians are made of, since that, s'posin' they do send missionaries into Africa, to spoil the niggers there, they can't send consuls here to Christianise and fool ours.' Consul Mathew's spunk—for he didn't run when they threatened to mob him, nor he didn't wink nor blink at the revolvers and sharp points; but he mustn't kick up too much of a fuss, or he'll git 'imself and John Bull right smartly thrashed by South Carolina. The fact is, Dunn, they belong to my office, nir 'tan't gentlemanly to try take them away.

"Now, then, we must guard against all his projected operations; and no pains must be spared to give the dangerous associations with these niggers, and how fatal it would be to ours to let them loose with them—and we must do it with firmness, and without fear of combating their strongest arguments. South Carolina's not bound to obey the voice of the General Government, and what does she care for the federal courts? We'll pursue a course according to the law; and anything that is contrary to it we will take care of, for the better protection of our institutions. Now, don't let one pass, upon the peril of your office," continued Mr. Grimshaw.

"It's not a button I'd care for the office," said Dunn. "Sure it's yerself be's makin' all the fees, and ourselves getting the paltry dollar; and yerself gives us as much trouble to get that as we'd be earning two dollars at

magistrate Jiles' beyant. Sure, himself's liberal, and doesn't be afraid to give us a division of the fees when the business is good. And sure, ye make yer ten times the fees on an English nigger, and never gives us beyant the dollar," continued he, moving off in high dudgeon, and swearing a stream of oaths that made the very blood chill. There was a covert meaning about Mr. Grimshaw's language that was not at all satisfactory to Mr. Dunn's Irish; especially when he knew Mr. Grimshaw's insincerity so well, and that, instead of being liberal, he pocketed a large amount of the fees, to the very conscientious benefit of his own dear self. The reader must remember that in Charleston, South Carolina, there is a large majority of men who care little for law, less for justice, and nothing for Christianity. Without compunction of conscience, and with an inherited passion to set forward the all-absorbing greatness of *South Carolina*, these men act as a check upon the better-disposed citizens. The more lamentable part is, that, forming a large portion of that species of beings known as bar-room politicians, they actually control the elections in the city; and thus we may account for the character of the incumbents of office, and for the tenacity with which those oppressive laws are adhered to. Southerners, and more especially South Carolinians, trifle with the propriety of life, and set at defiance the fundamental rules of good order. Thus, they cannot be expected to give grave matters those weighty considerations which produce conviction of their truths. The want of this is to be regretted in South Carolina, because a large portion of her population act from a subservient and hireling will, without any collateral responsibility.

This almost incompatible conversation between a high sheriff and two menial constables may to many seem inconsistent with the dignity that should be observed between such functionaries. Nevertheless, all restraint is not only annihilated by consent, but so prominently is this carried out, and so well understood by that respectable class of citizens whose interests and feelings are for maintaining a good name for the city and promoting its moral integrity, that, in all our conversation with them, we never heard one speak well of those functionaries, or the manner in which the police-regulations of the city were carried out.

CHAPTER VI.

THE JANSON IN THE OFFING.

After several days' suffering for want of water, and fatigue of labour, several of the crew were reported upon the sick-list. Manuel, who had borne his part nobly and cheerfully, was among the number; and his loss was more severely felt, having done a double duty, and succeeded, as far as the means were at hand, in making everybody on board comfortable. He had attended upon those who gave up first, like a good nurse, ready at the call, whether night or day, and with a readiness that seemed pleasure to him. From the captain to the little boy Tommy, his loss was felt with regret; and the latter would often go into the forecastle where he lay, lean over him with a child-like simplicity, and smooth his forehead with his little hand. "Manuel! I wish poor Manuel was well!" he would say, and again he would lay his little hand on his head and smooth his hair. He would whisper encouragement in his ear; and, having learned a smattering of Portuguese, would tell him how soon they would be in port, and what pleasant times they would have together.

On the 21st they descried land, which proved to be Stono, about twenty-five miles south of Charleston. Tommy announced the news to Manuel, which seemed to cheer him up. His sickness was evidently caused by

fatigue, and his recovery depended more upon rest and nourishment than medical treatment. That night at ten o'clock the wind came strong north-west, and drove the *Janson* some distance to sea again; and it was not until the morning of the 23rd that she made Charleston light, and succeeded in working up to the bar. Signal was made for a pilot; and soon a very fine cutter-looking boat, "*Palmetto*, No. 4," was seen shooting out over the bar in the main channel. Manuel, somewhat recovered, had a few minutes before been assisted on deck, and, through the captain's orders, was laid upon a mattress, stretched on the starboard side of the companion-way. By his side sat little Tommy, serving him with some nourishment.

The boat was soon alongside, and the pilot, a middle-sized man, well dressed, with a frank, open countenance, rather florid and sun-stained, and a profusion of gold chain and seal dangling from his fob, came on board. After saluting the captain, he surveyed the weather-beaten condition of the craft, made several inquiries in regard to her working, and then said in a *sang-froid* manner, "Well! I reckon you've seen some knocking, anyhow." Then turning again and giving some orders in regard to getting more way upon her, he viewed the laborious working at the pumps, and, walking about mid-ships on the larboard side, took a sharp survey of her waist. "Don't she leak around her topsides, captain?" said he.

Receiving an answer in the affirmative, he gave a glance aloft, and then at the sky to windward; asked how long he had worked her in that condition, and where he took the gale. "It's a wonder she hadn't swamped ye before

now. I'd a beached her at the first point, if she'd bin mine; I'd never stand at slapping an old craft like this on. She reminds me of one of these down-east sugar-box crafts what trade to Cuba," he continued. Then walking across the main-hatch to the starboard side, he approached the men who were pumping, and, after inquiring about freeing her, suddenly caught a glimpse of Manuel, as he lay upon the mattress with his face uncovered.

"Heavens! What, have you got the yellow fever on board at this season of the year?" he inquired of the mate, who had just come aft to inquire about getting some water from the pilot-boat.

"No, we've had everything else but the yellow fever; one might as well bin on a raft as such an infernal unlucky old tub as she is. It's the steward, sir; he's got a touch of a fever, but he'll soon be over it. He only wants rest, poor fellow! He's bin a bully at work ever since the first gale. He'll mend before he gets to town," was the reply.

"Ah! then you've had a double dose of it. It gives a fellow brinjer off them Capes once in a while. The steward's a nigger, isn't he?" inquired the pilot.

"Nigger? not he!" said the mate. "He's a Portuguese mixed breed; a kind o' sun-scorched subject, like a good many of you Southerners. A nigger's mother never had him, you may bet your 'davie on that. There's as much white blood in his jacket as anybody's got, only them Portuguese are dark-lookin' fellers. He's no fool—his name's Manuel, a right clever feller; and the owners think as much of him as they do of the skipper."

"Gammon!" said the pilot to himself. "What would he think if we were to show him some specimens of our

white niggers in Charleston?" And turning, he walked past Manuel with a suspicious look, and took a position near the man at the wheel, where he remained for some time fingering the seals of his watch-chain. The captain had gone into the cabin a few minutes before, and, coming on deck again, walked toward the place where the pilot stood, and took a seat upon an old camp-stool.

"Cap," said the pilot, "ye'll have trouble with that nigger of your'n when ye git to town. If you want to save yerself and the owners a d——d site o' bother and expense, y' better keep him close when y' haul in, and ship him off to New York the first chance. I've seen into the mill, cap, and y' better take a friend's advice."

"Nigger!" said the captain indignantly, "what do they call niggers in Charleston? My steward's no more a nigger than you are!"

"What, sir?" returned the pilot in a perfect rage. "Do you know the insulting nature of your language? Sir, if the law did not subject me, I would leave your vessel instantly, and hold you personally responsible as soon as you landed, sir."

The captain, unconscious of the tenacity with which the chivalrous blood of South Carolina held language that mooted a comparison of colours, considered his answer, but could see nothing offensive in it.

"You asked me a question, and I gave you a proper answer. If you consider such a man as my steward—poor fellow!—a nigger, in your country, I'm glad that you are blessed with so many good men."

"We polishes our language, captain, when we speak of niggers in South Carolina," said the pilot. "A South Carolinian, sir, is a gentleman all over the world. It

don't want nothin' further than the name of his State to insure him respect. And when foreign folks and Northerners from them abolition States bring free niggers into South Carolina, and then go to comparing them to white folks, they better be mighty careful how they stir about. South Carolina ought to've seceded last year, when she talked about it, and sent every Yankee home to make shoe-pegs. We wouldn't bin insulted then, as we are now. I'll tell you what it is, cap," said he, rather cooling off; "if our folks was only as spunky as they were in eighteen hundred and thirty-two times, them fellers what come here to feed upon South Carolina, put the devil in the heads of the niggers, and then go home again, would see stars and feel bullet-holes."

The captain listened to the pilot's original South Carolina talk, or, as the pilot himself had called it, polished language, without exhibiting any signs of fear and trembling at its sublime dignity; yet, finding that the pilot had misconstrued the tenor of his answer, said, "You must have mistaken the intention of my reply, sir; and the different manner in which you appropriate its import may be attributed to a custom among yourselves, which makes language offensive that has no offensive meaning. We never carry pistols or any such playthings in my country. We have a moral security for our lives, and never look upon death as so great an enemy that we must carry deadly weapons to defend it. In fact, pilot," he said, in a joking manner, "they're rather cumbersome little bits for a feller's pocket; I'd rather carry my supper and breakfast in my pocket. Now, tell us, who do you call niggers in South Carolina?"

"Why, captain, we call all what a'n't white folks. Our folks can tell 'em *right smart!* They can't shirk out, if it's only marked by the seventeenth generation. You can always tell 'em by the way they look—they *can't look you in the face*, if they are ever so white. The law snaps 'em up once in a while, and then, if they're ever so white, it makes 'em prove it. I've known several cases where the doubt was in favour of the nigger, but he couldn't prove it, and had to stand aside among the darkies. Dogs take my skin, cap, if theren't a Jew feller in town as white as anybody, and his father's a doctor. It got whispered round that he was a nigger, and the boarders where he stayed raised a fuss about it. The nigger's father had two of them sued for slander, but they proved the nigger by a quirk of law that'd make a volume bigger than Blackstone; and instead of the old Jew getting satisfaction, the judges, as a matter of policy, granted him time to procure further proof to show that his son wasn't a nigger. It was a very well-considered insinuation of the judges, but the young-un stands about A 1 with a prime nigger-feller."

"I should like to have 'em try me, to see whether I was a nigger or a white man. It must be a funny law, '*nigger or no nigger.*' If a feller's skin won't save him, what the devil will?" said the captain.

"Why, show your mother and her generation were white, to be sure! It's easy enough done, and our judges are all very larned in such things—can tell in the twinkling of an eye," said the pilot.

"I should think the distinguishing points would be to show that their mother had nothing to do with a nigger. Do your judges make this a particular branch

of jurisprudence? If they do, I'd like to know what they took for their text-books. If the intermixture is as complex as what you say, I should think some of the judges would be afraid of passing verdict upon their own kin."

"Not a whit!" said the pilot; "they know enough for that."

"Then you admit there's a chance. It must be an amusing affair, 'pon my soul! when a nice little female has to draw aside her veil before a court of very dignified judges, for the purpose of having her pedigree examined," said the captain.

"Oh! the devil, cap; your getting all astray. A woman nigger never has the advantage of the law. They always go with the niggers, ha! ha! ha!"

"But suppose they're related to some of your big-bugs; what then? Are your authorities so wise and generous that they make allowance for these things?" asked the captain innocently.

"Oh, poh! there you're again: you must live in Charleston a year or two, but you'll have to be careful at first that you don't fall in love with some of our bright gals, and think they're white, before you know it. It doesn't matter seven coppers who they're got by, there's no distinction among niggers in Charleston. I'll put you through some of the bright houses when we get up, and show you some scions of our aristocracy that are the very worst cases. It's a fact, cap, these little shoots of the aristocracy invariably make bad niggers. If a fellow wants a real prime, likely nigger wench, he must get the pure African blood. As they say themselves, 'Wherever Buckra-man bin, make bad nigger.'"

"Well, pilot, I think we've had enough about mixed

niggers for the present. Tell me, do you really think they'll give me trouble with my steward? He certainly is not a black man, and a better fellow never lived," inquired the captain earnestly.

"Nothing else, cap," said the pilot. "It's a hard law, I *tell you;* and if our merchants and business men had a say in it, 'twouldn't last long. Ye can't pass him off for a white man nohow, for the thing's *contrary to law,* and pays so well that them contemptible land-sharks of officers make all the fuss about it, and never let one pass. Just take the infernal fees off, and nobody'd trouble themselves about the stewards. It all goes into old Grimshaw's pocket, and he'd skin a bolt-rope for the grease, and sell the steward if he could get a chance. He has sold a much nearer relation. I'm down upon the law, you'll see, cap; for I know it plays the dickens with our business, and is a curse to the commerce of the port. Folks what a'n't acquainted with shipping troubles, and a ship-owner's interests, think such things are very small affairs. But it's the name that affects us; and when an owner stands at every item in the disbursements, and a heavy bill for keeping his steward, and another for filling his place, or boarding-house accommodations, and then be deprived of his services, he makes a wry face, and either begins to think about another port, or making the rate of freight in proportion to the annoyance. It has an effect that we feel, but don't say much about. I'm a secessionist, but I don't believe in running mad after politics, and letting our commercial interests suffer."

"But what if I prove my steward ain't a coloured man?" said the captain; "they surely won't give me any trouble then! It would pain my feelings very much to

see Manuel locked up in a cell for no crime; and then to be deprived of his services is more than I can stand. If I'd known it before, I'd suffered the torments of thirst, and put for a port farther north."

"It'll cost more than it's worth," said the pilot, "Take my plain advice, cap; never try that. Our lawyers are lusty fellows upon fees; and the feller 'd rot in that old nuisance of a jail afore you'd get him out. The process is so slow and entangled, nobody 'd know how to bring the case, and ev'ry lawyer 'd have an opinion of his own. But the worst of all is, that it's so unpopular, you can't get a lawyer worth seven cents to undertake it. It would be as dangerous as an attempt to extricate a martyr from the burning flames. Public opinion in Charleston is controlled by politicians; and an attempt to move in a thing so unpopular would be like a man attempting to speak with pistols and swords pointed to his head."

"Then it's folly to ask justice in your city, is it?" inquired the captain. "According as I understand you, pilot, it seems to be what I should call the chieftain's own—a wrong maintained amid domestic danger, and continued for the benefit of a few office-holders. There must be a singular contrariety of party views among your people, and a wanton lack of justice with those who control your free elections, if those whose interests are at stake dare not speak out and assert their rights. The motives are not so much portrayed in your peculiarities as are your feelings. Your city must be a patch of ground peculiarly fair in this sunny region."

"Nothin' shorter; you English ha'nt no idee what a right smart set of folks we have in town. Whenever we

shows fight, same as we did in thirty-two, we settles things with the Gineral Government in a jiffy, and turn Congress into a vacated capital. Old Gin'ral Jackson got his pin-fithers up one time; but he warn't spunk enough to jist step this ere side of Fort Sumpter himself."

"Ah! I see, I see!" returned the captain. "Every man plays his part well in high-sounding aspirations—that is to say, you are a great people, and things are said smartly; you play great parts on light complexions, measure darker ones by patrons, and perplex the brain with potent notions of common-place domestic life. It must be semi-sacred ground, preserved by chivalrous blood, lest some black footsteps should profane it. Suppose our gracious Queen, good lady that she is! should black her face, and come among you to view your paradise of freedom; would you lock her up?"

"Captain, yer perfectly stubborn about understanding our politics; and yer gettin' away t'other side o' the extremes. Jist let Queen Vic. come over here, we'd treat her like a right good gal, and show her round in a style she warn't acquainted with in Buckingham White House. She'd get toted round by our big folks, and have the north room of the President's White House, just to put her babies in, while she flirted round Pennsylvania Avenue, and cum over to Carolina to see about her loyal nigger subjects, what git locked up in spite on her," returned the pilot, with a toss of the head, and an extra twirl of his long watch-chain.

"Then, if you would treat her so well, why not her loyal subjects? You should remember the feelings of Englishmen, and the relation between sovereign and subject which that Government tenaciously holds. It is a modi-

fied monarchy, with more democracy of government than society, and keeps a watchful protection over its poorest subject. But your people are generous, ain't they? and treat strangers with a courtesy that marks the character of every high-minded society?"

"Yes; but society in South Carolina has nothing to do with the law; our laws are gloriously ancient. I wish, cap, I could only open your ideas to the way our folks manage their own affairs. I'm opposed to this law that imprisons stewards, because it affects commerce; but then, our other laws are tip-top. It was the law that our legislature made to stop free niggers from coming from the abolition States to destroy the affections of our slaves. Some say, the construction given to it and applied to stewards of foreign vessels a'n't legal, and wasn't intended; but now it's controlled by popular will. The stewards a'n't legislators, and the judges know it wouldn't be popular, and there's nobody dare meddle with it, for fear he may be called an abolitionist. You better take my advice, cap; ship the nigger, and save yourself and Consul Mathew the trouble of another fuss," continued the pilot.

"That I'll never do! I've made up my mind to try it, and won't be driven out of a port because the people stand in fear of a harmless man. If they have any souls in them, they'll regard with favour a poor sailor driven into their port in distress. I've sailed nearly all over the world, and I never got among a people yet that wouldn't treat a shipwrecked sailor with humanity. Gracious God! I've known savages to be kind to poor shipwrecked sailors, and to share their food with them. I can't, pilot, imagine a civilisation so degraded, nor a public so lost to

common humanity, as to ill-treat a man in distress. We've said enough about it for the present. I'll appeal to Mr. Grimshaw's feelings, when I get to the city; and I know, if he's a man, he'll let Manuel stay on board, if I pledge my honour that he won't leave the craft."

"Humph! If you knew him as well as I do, you'd save your own feelings. His sympathies don't run that way," said the pilot.

The *Janson* had now crossed the bar, and was fast approaching Fort Sumpter. Manuel had overheard enough of the conversation to awaken fears for his own safety. Rising from the mattress, in a manner indicating his feeble condition, he called Tommy, and, walking forward, leaned over the rail near the fore-rigging, and inquired what the captain and the pilot were talking about. Observing his fears, the little fellow endeavoured to quiet him by telling him they were talking about bad sailors.

"I think it is me they are talking about. If they sell me for slave in Charleston, I'll kill myself before a week," said he in his broken English.

"What's that you say, Manuel?" inquired the first mate, as he came along, clearing up the decks with the men.

"Pilot tell captain they sell me for slave in South Carolina. I'd jump overboard 'fore I suffer him," said he.

"Oh, poh! don't be a fool! You ain't among Patagonians, Manuel; you won't have to give 'em leg for your life. They don't sell foreigners and outlandish men like you for slaves in Carolina—it's only black folks what can't clothe the'r words in plain English. Yer copper-

coloured hide wouldn't be worth a sixpence to a nigger-trader—not even to old Norman Gadsden, that I've heard 'em tell so much about in the Liverpool docks. He's a regular Jonathan Wild in nigger-dealing; his name's like a fiery dragon among the niggers all over the South; and I hearn our skipper say once, when I sailed in a liner, that niggers in Charleston were so 'fraid of him they'd run like young scorpions away from an old he-devil, when they saw him coming. He sells white niggers, as they call 'em, and black niggers—anything that comes in his way, in the shape of saleable folks. But he won't acknowledge the corn when he goes away from home, and swears there's two Norman Gadsdens in Charleston; that he an't *the one!* When a man's ashamed of his name abroad, his trade must be very bad at home, or I'm no sailor," said the mate.

"Ah, my boys!" said the pilot in a quizzical manner, as he came to where several of the men were getting the larboard anchor ready to let go, "if old Norman Gadsden gets hold of you, you're a gone sucker. A man what's got a bad nigger has only got to say Old Gadsden to him, and it's equal to fifty paddles* at the workhouse. They tell a pretty good story about the old fellow. I don't know if it's true; but the old fellow's rich now, and

* The mode of punishment most modern, and adopted in all the work-houses and places of punishment in South Carolina, is with the paddle—a wooden instrument in the shape of a baker's peel, with a blade from three to five inches wide, and from eight to ten long. This is laid on the posteriors—generally by constables or officers connected with the police. Holes are frequently bored in the blade, which gives the application a sort of percussive effect. The pain is much more acute than with the cowhide; and several instances are known where a master ordered an amount of strokes beyond the endurance of the slave, and it proved fatal.

he does just what he pleases. It was that somebody found one of those little occasional droppings of the aristocracy, very well known among the secrets of the chivalry, and called foundlings, nicely fixed up in a basket: it's among the secrets though, and mustn't be told abroad. The finders labelled it, 'Please sell to the highest bidder,' and left it at his door. There was a fund of ominous meaning in the label; but Norman very coolly took the little helpless pledge under his charge, and, with the good nursing of old Bina, made him tell to the tune of two hundred and thirty, cash, 'fore he was two-year old. He went by the name of Thomas Norman, the Christian division of his foster-father's, according to custom. The old fellow laughs at the joke, as he calls it, and tells 'em, when they stick it to him, they don't understand the practice of making money. You must keep a bright look out for him, Manuel—you'll know him by the niggers running when they see him coming."

The pilot now returned to the quarter, and commenced dilating upon the beauty of Charleston harbour and its tributaries, the Astley and Cooper Rivers; then upon the prospects of fortifications to beat the United States in the event of South Carolina's seceding and raising an independent sovereignty, composed of her best blood. The captain listened to his unsolicited and uninteresting exposition of South Carolina's prowess in silence, now and then looking up at the pilot and nodding assent. He saw that the pilot was intent upon astonishing him with his wonderful advancement in the theory of government, and the important position of South Carolina. Again he looked dumbfounded, as much as to acknowledge the pilot's profundity, and exclaimed, "Well, South

Carolina must be a devil of a State! everything seems captivated with its greatness. I'd like to live in Carolina, if I didn't get licked."

"By scissors! that you would, captain; you ha'n't an idee what a mighty site our people can do, if they're a mind to! All South Carolina wants is her constitutional rights, which her great men fought for in the Revolution. We want the freedom to protect our own rights and institutions—not to be insulted and robbed by the General Government and the abolitionists!"

"Do you practice, as a people, upon the same principles that you ask of the General Government?" inquired the captain.

"Certainly, captain, as far as it was intended for the judicious good of all *white* citizens!"

"Then you claim a right for the whites, but withhold the right when it touches on the dark side. You'll have to lick the Federal Government, as you call it; for they won't cut the constitution up to suit your notions of black and white."

"That's just the thing, captain; and we can do it *just as easy* as we now protect our own laws, and exterminate the niggers what attempt insurrections. South Carolina sets an example, sir, of honour and bravery that can't be beat. Why, just look a-yonder, captain: the Federal Government owns this 'er Fort Sumpter, and they insulted us by building it right in our teeth, so that they could command the harbour, block out our commerce, and collect the duties down here. But, captain, this don't scare South Carolina nohow. We can show 'em two figures in war-tactics that'd blow 'em to thunder. Ye see yonder," said he, with an earnest air of satisfaction,

pointing to the south; "that's Morris Island. We'd take Fort Moultrie for a breakfast-spell, and then we'd put it to 'em hot and strong from both sides, until they'd surrender Fort Sumpter. They couldn't stand it from both sides. Yes, sir; they shut Fort Moultrie against us, and wouldn't let us have it to celebrate independence in. There's a smouldering flame in South Carolina that'll burst forth one of these days in a way that must teach the Federal Government some astonishing and exciting lessons. There's old Castle Pinckney, sir. We could keep it for a reserve; and with Generals Quattlebum and Commander, from George Town and Santee Swamp, we could raise an army of Palmetto regiments that would whip the Federal Government, troop and gun-boat."

We have given this singular conversation of the pilot with a strange captain, which at the time was taken as an isolated case of gasconade peculiar to the man; but which the captain afterward found to harmonise in sentiment, feeling, and expression with the general character of the people—the only exceptions being the coloured people.

CHAPTER VII.

ARRIVAL OF THE JANSON.

About five o'clock on the evening of the 23rd, the *Janson* passed Castle Pinckney, ran up to the wharf with the flood-tide, let go her anchor, and commenced warping into the dock. Her condition attracted sundry persons to the end of the wharf, who viewed her with a sort of commiseration that might have been taken for sincere feeling. The boarding-officer had received her papers, and reported her character and condition, which had aroused a feeling of speculative curiosity that was already beginning to spread among ship-carpenters and outfitters.

Conspicuous among those gathered on the wharf was a diminutive little dandy, with an olive-coloured frock-coat, black pants, embroidered vest, and an enormous shirt-collar that endangered his ears. This was secured around the neck with a fancy neckcloth, very tastefully set off with a diamond pin. He was very slender, with a narrow, feminine face, round pop-eyes—requiring the application of a pocket-glass every few minutes—and very fair complexion, with little positive expression of character in his features. His nose was pointed; his chin, projected and covered with innumerable little pimples, gave an irregular and mastiff-shaped mouth a peculiar expression. He wore a very highly-polished

and high-heeled pair of boots, and a broad-brimmed, silk-smooth hat. He seemed very anxious to display the beauty of two diamond rings that glittered upon his delicate little fingers, made more conspicuous by the wristbands of his shirt. Standing in a very conspicuous place upon the capsill of the wharf, he would rub his hands, then running from one part of the wharf to another, ordering sundry niggers about making fast the lines, kicking one, and slapping another, as he stooped, with his little hand. All paid respect to him. The captain viewed him with a smile of curiosity, as much as to say, "What important specimen of a miss in breeches is that?" But when the little fellow spoke, the secret was told. He gathered the inflections of his voice, as if he were rolling them over the little end of a thunderbolt in his mouth. As the vessel touched the wharf, he sprang to the corner, and cried out at the top of his voice, "Yer *welcome to Charleston*, Captain Thompson! Where did you get that knocking? Where are ye bound for? How many days are you out? How long has she leaked in that way?" and a strain of such questions, which it would be impossible to trace, such was the rapidity with which he put them. The captain answered him in accordance with the circumstances, and, supposing him clothed with authority, inquired where he should find some hands to work his pumps, in order to relieve his men. "By Je-w-hu! captain, you must a had a piping time, old feller! Oh, yes! you want help to work your pumps. Get niggers, captain; there's lots on 'em about here. They're as thick as grasshoppers in a cotton-patch."

"Yes; but I want 'em now, my men are worn out. I must get some Irishmen, if I can't get others at once,"

said the captain, viewing his man again from head to foot.

"Oh, don't employ Paddies, captain—'ta'n't popular. They don't belong to the secession party; Charleston's overrun with them and the Dutch! Why, she won't hurt to lay till to-morrow morning, and there'll be lots o' niggers down; they can't be out after bell-ring without a pass, and it's difficult to find their masters after dark. Haul her up till she grounds, and she won't leak when the tide leaves her. We can go to the theatre, and have a right good supper after at Baker's or the St. Charles's. It's the way our folks live. We live to enjoy ourselves in South Carolina. Let the old wreck go to-night." The little fellow seemed so extremely polite, and so anxious to "do the genteel attention," that the captain entirely forgot the tenor of his conversation with the pilot, while his feelings changed with the prospect of such respectful attention; and yet he seemed at a loss how to analyse the peculiar character of his little, pedantic friend.

"You must not think me intrusive, captain," said he, pulling out his segar-pouch, and presenting it with a Chesterfieldian politeness. "It's a pleasure we Carolinians take in being hospitable and attentive to strangers. My name, sir, is ——! My niggers call me Master George. Yes, sir! our family—you have heard of my father, probably, he belongs to one of the best stocks in Carolina—owns a large interest in this wharf, and is an extensive cotton-broker, *factors*, we call them here—and he owns a large plantation of niggers on Pee-Dee. You must visit our plantation, captain, certain! before you leave the city. But you mustn't pay much attention to the gossip you'll hear about the city. I pledge you my

honour, sir, it don't amount to anything, nor has it any prominent place in our society."

"Really, sir," replied the captain, "I shall do myself the honour to accept of your hospitable kindness, and hope it may be my good fortune to reciprocate at some future day. I'm only too sorry that our wrecked condition affords me no opportunity to invite you to my table to-night; but the circumstances which you see everywhere presenting themselves are my best apology."

"Oh, dear me! don't mention it, I pray, captain. Just imagine yourself perfectly at home. We will show you what Southern hospitality is. We don't go upon the Yankee system of *Mr. So-and-so* and *What-do-ye-call-'um.* Our feelings are in keeping with our State pride, which, with our extreme sensibility of honour, forbids the countenance of meanness. South Carolinians, sir, are at the very top of the social ladder—awake to every high-minded consideration of justice and right. We are not moved by those morbid excitements and notions that so often lead people away at the North. Make no unnecessary preparation, captain, and I will do myself the honour to call upon you in an hour." Thus saying, he shook his hand and left.

The pilot had delivered his charge safe, and was about to bid the captain good-bye for the night. But in order to do *the thing* in accordance with an English custom, that appears to have lost none of its zest in South Carolina, he was invited into the captain's cabin to take a little prime *old* Jamaica. Manuel, who had somewhat recovered, brought out the case from a private locker, and, setting it before them, they filled up, touched glasses, and drank the usual standing toast to South Carolina. "Pilot,"

said the captain, "who is my polite friend?—he seems a right clever little fellow!"

"Well, captain, he's little, but he's first-rate blood, and a genuine sprig of the chivalry. He's a devil of a secessionist, sir. If ye were to hear that fellow make a stump speech on States' rights, you'd think him a Samson on Government. His father is the head of a good mercantile house here; 'twouldn't be a bad idea to consign to him. But I must bid you good-night, captain; I'll call and see you to-morrow," said the pilot, leaving for his home.

The *Janson* was hauled well up the dock, and grounded on the ebb-tide. Manuel prepared supper for the officers and crew, while the captain awaited the return of his new acquaintance. "Captain," said Manuel, "I should like to go ashore to-night and take a walk, for my bones are sore, and I'm full of pains. I think it will do me good. You don't think anybody will trouble me, if I walk peaceably along?"

"Nobody would trouble you if they knew you, Manuel; but I'm afraid they would mistake you in the night. You had better keep ship until morning; take a good rest, and to-morrow will be a fine day—you can then take some exercise."

Manuel looked at the captain as if he read something doubtful in his countenance, and turned away with a pitiful look of dissatisfaction. It seems that, through his imperfect knowledge of English, he had misconceived the position of the celebrated Thomas Norman Gadsden, whom he imagined to be something like an infernal machine, made and provided by the good citizens of Charleston to catch bad niggers. "Nora-ma Gazine no

catch-e me, cap-i-tan, if me go ashore, 'case me no make trouble in no part de world where me sail. Oh! no, cap-i-tan, Manuel know how to mine dis bisness," said he, returning again to the captain.

"Yes, yes, Manuel, but we can't let the crew go ashore 'till we get through the custom-house; you must content yourself to-night, and in the morning 'twill be all right. I'm afraid you'll get sick again—the night-air is very bad in this climate; old Gadsden won't trouble you. He don't walk about at night."

Manuel walked forward, not very well satisfied with the manner in which the captain put him off. The latter felt the necessity of caution, fearing he might infringe upon some of the municipal regulations that the pilot had given him an account of, which accounted for his refusal. Manuel sat upon the main-hatch, fondling Tommy, and telling him what good things they would have in the morning for breakfast, and how happy they ought to be that they were not lost during the gales, little thinking that he was to be the victim of a merciless law, which would confine him within the iron grates of a prison before the breakfast-hour in the morning. "I like Charleston, Tommy," said Manuel; "it looks like one of our old English towns, and the houses have such pretty gardens, and the people, they say, are all so rich and live so fine. Tommy, we'll have a long walk, and look all around it, so that we can tell the folks when we get home. The ship owes me eleven pounds, and I mean to take some good things home for presents, to show what they have in South Carolina."

"You better buy a young nigger, and take him home as a curiosity to show among the Highlands. You can

buy a young Sambo for any price, just the same as you would a leg of mutton at the butcher's; put him in a band-box, lug him across, and you'll make a fortune in the north country. But I'd rather buy a young wife, for the young niggers are more roguish than a lot o' snakes, and al'a's eat their heads off afore they're big enough to toddle. They sell gals here for niggers whiter than you are, Manuel; they sell 'em at auction, and then they sell corn to feed 'em on. Carolina's a great region of supersensual sensibility; they give you a wife of any colour or beauty, and don't charge you much for her, providing you're the right stripe. What a funny thing it would be to show the Glasgow folks a bright specimen of a bought wife from the renowned State of South Carolina, with genuine aristocratic blood in her veins; yes, a pure descendant of the Huguenots!" said the mate, who was leaning over the rail where Manuel and Tommy were seated, smoking a cigar and viewing the beautiful scenery around the harbour.

"Ah!" said Manuel, "when I get a wife and live on shore, I don't want to buy one—it might be a dangerous bargain. Might buy the body, but not the soul—that's God's."

CHAPTER VIII.

A NEW DISH OF SECESSION.

About a quarter past eight o'clock in the evening, Master George, as he called himself, the little pedantic man, came skipping down the wharf. As soon as he approached the brig, he cried out at the top of his voice, "Captain! captain!"

The captain stepped to the gangway, and the little fellow, who had stood crossing and working his fingers, reached out his hand to assist him ashore. This done, he took the captain's arm, and, commencing a discourse upon the wonderful things and people of South Carolina, they wended their way to the Charleston Theatre. The company then performing was a small affair, and the building itself perfectly filthy, and filled with an obnoxious stench. The play was a little farce, which the captain had seen to much perfection in his own country, and which required some effort of mind to sit out its present mutilation. Yet, so highly pleased was *Master* George, that he kept up a succession of applauses at every grimace made by the comedian. Glad when the first piece was over, the captain made a motion to adjourn to the first good bar-room and have a punch. It was agreed, upon the condition that the little man should "do the honour," and that they should return and see the next piece out. The captain, of course, yielded to

the rejoinder, though it was inflicting a severe penalty upon his feelings. There was another piece to come yet, which the little fellow's appetite was as ready to devour as the first. The captain, seeing this, could not refrain from expressing his surprise. This was taken as a charge against his taste, and George immediately commenced a discussion upon the subject of the piece, the intention of the author, and merits of the principal performers, whose proper adaptation he admired. The captain knew his subject, and, instead of contending in detail, advised him to take a peep into the theatres of New York and London. Not to be undone, for he was like all little men, who insist upon the profoundness of their own opinions, he asserted that it could be only the different views which individuals entertained of delineating character, and that the Charlestonians were proverbially correct in their judgment of music and dramatic performances.

"I pity the judgment that would award merit to such a performance as that," said the captain.

"How strange that you Englishmen and Scotchmen always find fault with everything we Americans do! Your writers manifest it in their books upon us, and the people seem of necessity to copy from them, and echo their grumblings," rejoined Master George.

"You judge from the common saying, instead of a knowledge from observation, I fear," said the captain.

"Lord, sir! you must not judge me by that rule. Carolinians, sir, always appreciate intelligent strangers, for they always exert a healthy influence, and never meddle with our institutions; so, you see, it wouldn't do to follow the pestilent notions of petty scribblers, lest we should form wrong opinions."

"But tell me," said the captain, "do you consider yourselves Americans in South Carolina?—the pilot must have led me astray."

"Americans! yes, indeed, the true blood at that, and no man of tip-top judgment ever questioned it. But you must mark the difference; we *ha'n't* Yankees, nor we don't believe in their infernal humbuggery about abolition. If it wasn't for South Carolina and Georgia, the New-Englanders would starve for want of our cotton and rice. It's the great staple what keeps the country together; and, as much as they talk about it, just take that away, and what would the United States be? We South Carolinians give no symptoms or expressions of what we mean to do that we cannot maintain. We have been grossly insulted by the Federal Government, but it dar'n't come at us and just give us a chance at fair fight. We'd show 'em the thunder of the Palmetto, that they'd never trouble our sovereignty again. Captain, I pledge you my honour that if there wasn't so many infernal Yankees in Georgia, and she'd follow our lead in secession, we'd just lick the whole North. Georgia's a big State, but she ain't pluck, and has no chivalry at all among her people. She allows such privileges to them Yankees—gives them power to control her manufacturing interests; and this is just what will uproot the foundation of their slave institution. Georgians a'n't a bit like us; first, they are too plebeian in their manners—have no bond of guardianship for their laws, and exert no restraints for the proper protection of good society. But, captain, their stock has a different origin, and the peculiarity which now marks our character may be traced to the offspring of early settlement. We derived our

character and sentiments from the Huguenots; they, from an uncharacterised class of coarse adventurers, whose honesty was tinctured with penal suspicion. This, sir, accounts for the differences so marked in our character."

The little fellow pressed this kind of conversation in the lobby of the theatre, and at the same time took the very particular pleasure of introducing the captain to several of the young bloods, as he called them, while they walked to and from the boxes. At length the captain found himself in a perfect hornet's nest, surrounded by vicious young secessionists, so perfectly nullified in the growth that they were already to shoulder muskets, pitchforks, and daggers, and to fire pistols at poor old Uncle Sam, if he should poke his nose in South Carolina. The picture presented was that of an unruly set of children dedicating their opinions to a hoary-headed old daddy—accusing him of pragmatism, and threatening, if he was twice as old, they'd whip him, unless he did as they directed. It was to him a mythic element, occupying as much place in his instinctive faculties as the mysteries of the heathen gods. In England, such instances of precocity would have been looked upon as extremely dangerous to the peace and quiet of a neighbourhood; but in South Carolina it was valued as the most positive evidence of a growing bravery, that was to shine forth in the future fame of the State. Every stripling presented the war-spirit of a musketeer, before he had time to claim his independence of the pap-spoon; and, fired with vengeance, pomp, chivalry, and an ungovernable love of self-laudation, that held its conquest from the cradle to the grave, they seemed to have lost all

sentiment and principle in that which builds the character of social goodness. The knowledge of South Carolina's power, and South Carolina's difficulties with the Federal Government, he found so universally set forth, as to form the atmosphere of conversation in the parlour, the public-house, the school and the bar-room, the lecture-room and the theatre.

The little man extended his invitation to a party of the bloods. The captain was taken by the arms in a kind of bond fellowship, and escorted into Baker's eating-saloon, a place adjacent to the theatre, and, to a man unaccustomed to the things *that are* in Charleston, a very rowdy place. This is considered by Charlestonians one of the finest places in the Southern country; where good suppers and secession (*the all-engrossing subjects with Charlestonians*) form the only important element of conversation. It may be set down as a fact that, among seven-tenths of the people of Charleston, the standard of a gentleman is measured according to his knowledge of secession and his ability to settle the question of hot suppers. We say nothing of that vigorous patriotism so often manifested in a long string of fulsome toasts that disgrace the columns of the *Mercury and Courier*.

At Baker's, the place was literally crowded with all kinds and characters, graded from the honourable judge down to the pot-boy—a *pot pourri* of courtesy and companionship only exhibited in England on the near approach of elections. The reader may think this strange, but we can assure him that distinctions are strangely maintained; an exclusive arrogance being observed in private life, while a too frequent and general resort to bar-rooms has established plebeianism in public. Voices were sounding

at all parts of the counter; and for as many different voices as many different mixtures were named. The captain received a great many introductions, and almost as many invitations to drink; but the little man, Master George, claimed the exclusive honour, and, keeping an eye wide awake, took the advantage of his own dimensions, and began working his way through a barricade of bodies and elbows until he had reached the counter. His party followed close at his heels. All together, they called for cocktails, smashes, toddies, cobblers, juleps, and legitimates. These disposed of, the company repaired to what is called a "box upstairs." Scarcely seated, Master George rang the bell with such violence that he disjointed the cord and tassel, and gave such an alarm that three or four darkies came poking their alarmed countenances through the curtains at once.

"There's nothing like making the fellows mind; they've got so infernal independent here, and old Tom thinks so much of his young wife, that his niggers have begun to imitate him. One's enough at a time!" said Master George, with all the importance of his character. A "bright boy," with his hair nicely parted on the middle of his head, and frizzed for the occasion, made a polite bow, while the others retired.

"What have you choice for supper to-night? We want something ripe for the palate—none of your leavings, now, you infernal nigger, and don't tell us none of your lies."

"Birds, sir, grouse, woodcock, partridge, canvas-backs, and quails; meats, venison, and oysters, master—did up in any shape what the gentlemen wish. Wines, &c., if they want," replied the servant, without any of the negro

dialect, at the same time making a low bow to Master George.

"Name it! name your dishes, gentlemen! Don't be backward. I suppose his birds are, as usual, without age to flavour them. It's perfectly heathenish to eat birds as they are served here! We never get a bird here that is sufficiently changed to suit a gentleman o' taste; their beef's tough, and such steak as they make is only fit for shoemakers and blacksmiths. I never come into the place but I think of my journey in France, where they know the style and taste of a gentleman, and things are served to suit your choice." Thus our little friend continued his connoisseur remarks, to give the captain a particular idea of his proficiency in the requisite qualities, age, and time of keeping necessary to make the adjuncts of a supper fit for a gentleman. "D— me! we don't know when edibles are choice, and the Yankees are perfect brutes in these things, and have no more taste than a cow. Our folks ought to all go to France for a year or two, to learn the style of cooking. It's perfect murder to eat a bird the very day after it's killed. Yes, sir! no man that considers his stomach will do it," said George.

The servant waited impatiently—the captain rubbed his eyes, and began to pour out a glass of water; and dryly said he'd no choice, which was responded to by the rest. It was left to Master George, and he ordered a bountiful supply of grouse, partridges, oysters, and champagne of his favourite brand—none other. There was also a billiard-room, reading-room, a room for *more important* gambling, and a bar-room, up-stairs. All these were well filled with very well-dressed and very noisy

people; the latter being a very convenient place, the party sent to it for tipplers to fill up time.

"This is but a small portion of what constitutes life in Charleston, captain. We live for living's sake, and don't stand upon those blueskin theories of temperance and religion that Yankees do, and blame the father of generations for not making the world better. I never saw one of them that wasn't worse than we Southerners before he'd been in Charleston a year, and was perfect death on niggers. Yes, sir, it's only the extreme goodness of the Southern people's hearts that makes the niggers like them so. I never saw a Northerner yet that wouldn't work his niggers to death in two years. D—me, sir, my servants all love me as if I was a prince. Have you ever been in France, sir?" said he, suddenly breaking off. The captain replied in the affirmative.

"Ah! then you can speak French! the most polished language to refined society. I wouldn't part with my French for the world. All the first families in Charleston are familiar with it. It's the modern gentleman's *cart-blanche* to society here. There's no language like it for beauty and flexibility; but one must go to France and learn to acquire its grace and ease," said he, in rapid succession, rolling out his words in imitation of a London sprig of the Inner Temple, and working his little mastiff mouth.

"No, sir," said the captain quaintly. "I never stopped long enough in France to get hold of the lingo."

"God bless me, what a misfortune! and can't speak it yet, eh? Why, captain, if you wanted to court a *petite madmoselle*, you'd be in a sad fix—she wouldn't understand what you were talking about, and would take your love-pledges for gammon."

"You're mistaken there, my good fellow. Love grows on trees in France, and a Frenchwoman can see it before you begin to tell her about it!" retorted the captain, which brought a "*Good! good!* hit him again!" from the whole party. At this, Master George commenced reading the captain a disquisition upon the best mode of acquiring the French language. Supper was brought—in old Tom Baker's best flourish—and the party begun to discuss its merits with great gusto. What the little chivalrous fellows lacked in physical dimension they made up in patriotic sentiment in behalf of the grand sovereignty of South Carolina, which they continued to pour out until a late hour, every man backing his sayings by the authority of the great Calhoun.

As we have said before, the primary topics of conversation in Charleston are secession and suppers. On this occasion it was personified to the charm, with the exception that the latter rather took the lead; and such was the spirit of the controversy, that the little bloods became excited, and those who could not support the point of their argument by reasoning, or by reference to Mr. Calhoun's undeniable authority, resorted to proofs more *striking*. Such a dialogue of "the great question," the balance of power—the final event, the construction of an independent sovereignty—abstract reasoning upon the literal and constitutional interpretation of sundry clauses in the great Constitution—the Southern Congress, and the Southern confederacy—the adoption of the leading minds of South Carolina to be the ruling head of such a confederacy; or in the event of the other Southern States not submitting to her lead, to set up a sovereign principality with either Quattlebum or Commander for the monarch.

The captain sat eating away, and seeming more disposed to enjoy the physical consolation of his supper than to elevate his ideas upon South Carolina's politics. In fact, it was a strange controversy before a stranger; for he knew as little of its meaning as he did of Greek, and was very harmless in his questions with regard to the peculiar institution. What he had seen fully satisfied him that they were like a people excited by the approach of an enemy, charged to the teeth, threatening torture and death, and sending forth chariots of fire to forewarn the sentinels upon the watch towers of their intention—like a city in dread, awaiting the tap of the watchman's baton. And during his long stay in Charleston, he never had reason to change this opinion. Though a hardy mariner, little acquainted with the dry rhetoric of politicians, he saw the weakness that struggled with itself, and which needed no searching spirit of inquiry to solve its unprofitable problems. Hence, he acted the wiser part, and would nod assent to their many references to his opinions.

"Now, captain," said Master George, in a very serious tone, after he had been striking his hand upon the marble table for more than an hour to confirm the points of his reasoning, "what is your opinion of the great question at issue between the Federal Government and South Carolina? And what do you think of the Old Dominion? how will she stand upon the test-question?"

The poor captain looked confounded—took another oyster, and began to get his mouth in a fix, while little George worked his fingers through his nice curly hair, and the young bloods awaited the rejoinder with anxiety.

"Really, sir, you have the advantage of me in your

question. It is so much beyond my profession that I am entirely ignorant of the subject—therefore could not give an opinion. In truth, sir, I do not know the purport of the question. It has given me pleasure and information to listen to your conversation, and the ability you displayed in argument; but, as a stranger, I could take no part," replied the captain very sincerely.

Not content with this, Master George wished to be more direct. "It's the right of secession, captain—the power to maintain the right by the constitution."

"Probably; but may I expose my ignorance by inquiring what is meant by secession, and to what it is applied so frequently?" inquired the captain.

"Oh, murder, captain! have you never heard of nullification times? Well, sir, you must be posted on the affairs of our Government." So he commenced an analysis of nearly an hour long, and in it gave some astonishing accounts of the wonderful statesmanship of Calhoun, Butler, and Rhett, tapering down with a perfect fire-and-thunder account of the military exploits of General Quattlebum and Captain Blanding. The captain begun to stretch and gape, for he laboured under the fatigue of a perilous voyage, and repose was the only sovereign remedy. He felt that the limits of propriety were entirely overstepped, and that he would have reason to remember the first night spent with little George the secessionist. There was the engraven image of popular thought working itself upon youthful enthusiasm, and destroying those sublime inspirations to human action which make man the noble and generous being, walking in the ways of goodness, and living that others may live and be happy. This the captain did not fail to observe

in that frivolous waste of words which characterised every South Carolinian he met, and that war-spirit which was fast overgrowing all national feeling. Now, the captain was an honest, sound, clear-minded Scotchman, who loved his country as one glorious object claiming his undivided affection. To nurture sectional prejudices was something he had always looked upon as scarcely worthy a French washerwoman; and to assume a refractory attitude and threaten to whip old Mrs. Federal was absolutely incompatible with his notions of loyalty, which he expressed pretty freely.

The captain felt as if he was a faint shadow ready to vanish before the Roman eloquence of little George, whom he began to look upon as a phenomena looming up before him immeasurably beyond his dimensions—and preserved his gravity as the light of character reflected through the intermixed tenor of his discourse. Nor was he mistaken in his conclusions, though he looked upon them as a happy set of little fellows with Mosaical notions, created and adapted to ages that had passed. They were, as we have said before, the *mythic* legends of South Carolina, indicating the prevailing longings and imaginings of the mind, and strongly pointing to an imperfect state of civilisation, marked by slavery only.

"But, captain, my dear fellow! I see you don't understand our position yet. We've been insulted; yes, most rascally insulted by the Federal Government, and they keep it up every year. We can't get our rights. Oh, no, sir, there's no such thing in the knowledge of the Federal officers as justice for South Carolina; and you must understand, captain, that she is the greatest State in the Union, and there ain't nothing like her people for

bravery. The political power's got North and West, the old Constitution is being dissected, to suit the abolitionists, and they're drawing the cordon around us faster and faster; and they're now out like a warrior boldly to the conquest, sounding their voices in the halls of Congress, appealing to human and divine power to protect their nonsense, and bidding defiance to our constitutional rights. Our slaves are our property, protected by the law of God—by that inspired and superhuman wisdom that founded our great and glorious constitution. Yes, sir! it was an institution entailed upon us by our forefathers; and a wise Providence has provided proper laws by which we shall protect and see these poor miserable devils of helpless slaves, that can't take care of themselves, straight through."

"But how does this affect you and the Federal Government?" inquired the captain.

"Why, sir, most directly!" replied Master George, screwing his mouth, and giving his head a very learned attitude. "Directly, sir! The Federal Government is acquiescing in every abolition scheme that is put forward by that intriguing Northern compact for the establishment of new governments in the territories. She is granting unconstitutional privileges to designing politicians, whose chief aim is to uproot our domestic institution and destroy the allegiance of the slave to his master, by which the slaves would be cast upon the world unprotected, and we disarmed of power to protect them. Ah! sir, I tell you, of all fruits of the imagination, that would be the most damnable, and the slave would be the sufferer. It would be worse for him, poor fellow; it would be an abuse of human power without precedent. So far as

political power is concerned, we are nearly disarmed. The influx of population finds its way into the opened avenues of the North and West; and, with opinions predisposed against our institutions, and the contaminating influence standing ready with open arms to embrace the great current, what can we expect? It's the increasing power made by foreign influx that's giving tone to our Government. If our Southern Convention stand firm, we are saved; but I'm fearful there's too many doubtful shadows in it that won't stand to the gun. That's what's always played the devil with us," said George, striking his hand upon the table. "There's no limitation to their interpositions, and their resolves, and their adjournments, which don't come up to my principles of making the issue, and standing to the question with our coffins on our backs. These condescensions of thought and feeling arise from the misconceived notions of a few, who are always ready to join, but never willing to march to action, and must not be taken as a specimen of South Carolina bravery. The Federal Government has become vicious, and even puerile, toward South Carolina; and since the herculean power of the great Calhoun is gone, it treats us like a semi-barbarous and secluded people, mistaking our character. But we'll learn the Federal Government a lesson yet. When power is reposed in the faith of a Republican majority, and its power is to wield the fortunes of a great country, one portion of it becomes subject to every theoretical change of the other. This is shown in the local distinctions of our Republic, which have entirely too much latitude. States are distinctive, and, according to their internal institutions, require different qualifications of government. This, sir, is the

liberal manner in which we Southerners look upon matters of government, and we hold that no compact of persons in one section should estrange the local power of another; for it can adopt measures best suited to its own government. They ask us how we could protect ourselves if we seceded; and they tell us that Queen Victoria would send an armed force over here to liberate our slaves. Now, I tell you, captain, Queen Victoria knows better than that; and if she'd just come and live on one of our rice-plantations a twelvemonth, she'd find niggers 'tarnal perplexing rats—not a whit like her subjects. The kingdom of Great Britain an't nothing to manage to what a plantation o' five hundred niggers is—she'd soon find that out, and wish herself at home taking care of her fat babies. I don't reckon how Uncle John Bull would ever think o' lickin our State for free niggers. He'd soon get used to niggerism, and do as our keen traders do with free niggers—run 'em off! run 'em off!"

"Do not your legislators make laws for your government? or, how is it that you express such a restive dissatisfaction? Do not the same laws which govern you govern the whole of the Slave States?"

Little George had previously monopolised all the conversation, but at this juncture five or six voices broke out, each fired with a reply to the captain's question; and yet the answer was of the same old stamp: What South Carolina had done—how she had fought and gained the Mexican war—how she was interested in slaves, and how she yet feared to strike the blow because a set of mere adventurers had got the power to vote in her elections, and cowards through them had got into the legislature.

"Why, gentlemen, listen to me in this particular. If ——"

"Your oysters are getting cold, George," interrupted a blood at his left rather facetiously.

"I claim the respect due a gentleman, sir! A South Carolinian will transgress no rules of etiquette," said George, grasping his tumbler in a passionate manner and smashing it upon the marble slab, causing a sudden *émeute* in the camp. "Order! order! order!" was sounded from every tongue. "You mustn't be *afeard*, captain," said one of the party. "This is perfectly South Carolinian—just the oscillating of the champagne; it won't last long."

The noise was more loud than ordinary, and brought a score of people around to hear the trouble. George had got in high dudgeon, and it took several persons to hold him; while the remainder, not excepting the captain, were engaged in a pacification. The scene was very extravagant in folly; and, through the kind interposition of friends, the matter was settled to the honourable satisfaction of both parties—the question was called for—the captain called for a legitimate, rubbed his eyes, and little George proceeded. "If my friend Thomas Y. Simmons, jun., had been elected to the Legislature, he'd altered the position of things in South Carolina. All these corruptions would have been exposed, and the disparity of party would have dwindled into obscurity. Every true Carolinian voted for him to the hilt, but how was he defeated? Gentlemen, can you answer? It will be a favour highly gratifying to me to hear your opinions!" A voice answered, "Because he wasn't big enough!" "No, sir," said George, "it was because there was intrigue in the party, and the Yankee influence went to put him down. The

world'll hear from him yet. He's my particular friend, and will stand in the halls of Congress as great a statesman as ever lisped a political sentiment."

George's account of his particular friend, Thomas Y. Simmons, jun., was so extravagant, and not having heard of him before, the captain's curiosity was aroused to know who he was and where he resided. We will not tax the reader with George's wonderful memoir of his friend, but merely inform him that "*little Tommy Simmons*," as he is usually styled in Charleston, is an exact pattern of Master George, with the exception of his mouth, which is straight and regular; and if we may be allowed to condescend to the extremes, we should say that the cordwainer had done more for his heels. Otherwise, no daguerreotype could give a counterpart more correct. Tommy is a very small member of the Charleston bar, who, though he can seldom be seen when the court is crowded, makes a great deal of noise without displaying power of elucidation or legal abilities, yet always acquitting himself cleverly. Tommy was little George in two particulars—he had studied law and was a great secessionist; and if George had never practised, it was only from inclination, which, he asserted, arose from a humane feeling which he never could overcome—that he never wished to oppress anybody. But the greatest contrast that the reader can picture to himself between mental and physical objects existed between Tommy's aspirations and the physical man. His mind was big enough, and so was his self-confidence, to have led the Assyrian and Chaldean army against the Hebrews. To this end, and to further the formula of his statesmanship, no sooner was he twenty-one, and the corner just turned, than he sounded his war-trumpet—secession or

death!—mounted the rostrum and "*stump'd* it", to sound the goodness and greatness of South Carolina, and total annihilation to all unbelievers in nullification. It was like Jonah and the whale, except the swallowing, which spunky Tommy promised should be his office if the Federal Government didn't toe the mark. Yes, Tommy was a candidate for the Legislature, and for the Southern Congress (which latter was exclusively chivalrous); and the reader must not be surprised when we tell him that he lacked but a few votes of being elected to the former. Such was the voice of the Charleston district.

Supper had been discussed down to the fragments, and all expressed their satisfaction of the quantity, and declined any more; but George called for another bottle of champagne, and insisted that the party should take a parting glass. The servant had begun to extinguish the lights—a sure sign that the success of the bar was ended for the night. George reprimanded the negro; the sparkling beverage was brought, glasses filled up, touched, and drunk with the standing toast of South Carolina. A motion to adjourn was made and seconded, and the party, feeling satisfied with their evening's recreation, moved off accordingly.

CHAPTER VIII.

A FEW POINTS OF THE LAW.

In Charleston such an adjournment at a bar-room or an eating-house, when parties are enjoying what is termed a "pleasant occasion," does not mean an adjournment to the domestic fireside; nor are the distinctions between married and single men regarded, though domestic attachments may be considered as governing the thoughts and feelings. The practical definition of such an adjournment means to some place where beauty secludes itself to waste in shame.

The party descended into the lower bar-room, which, though rather thinned, presented a picture of characters stimulated to the tottering-point. A motion had been made, and strongly seconded, to visit the voluptuous house of a certain lady, which it is considered a stranger has not seen Charleston until he has visited. The captain remonstrated against this, assuring the party that he must go to the ship, and needed rest. Again and again they insisted, setting forth the charms and the beauty of the denizens; but he as often declined in the most positive manner. Unable to move him in his resolution, one by one began to give him a hearty shake of the hand and bid him good-night, leaving little Master George to the exclusive honour of seeing him home.

Standing in the centre of the room, surrounded by five

or six persons, well dressed, but very weak in the knees, was a portly-looking gentleman, with very florid countenance, keen dark eyes, and aquiline nose, which he frequently fingered. There was an air of respectability about him, though his countenance was not marked with any particularly prominent feature to distinguish him from the ordinary class of respectable men. He spoke well, yet without taste or discrimination in his language; was rather bald and grey, with small head and low perceptive powers; and judging from the particular tone of his voice and the cant terms he used, we should think he had figured among the Kentucky horse-traders, or made stump-speeches in Arkansas. His dress was inclined to the gaudy. He wore a flashy brown-coloured frock-coat, with the collar laid very far back, a foppish white vest, exposing his shirt-bosom nearly down to the waistbands of his pants, which were of grey stripes. But the more fanciful portions of his dress were a large and costly fob-chain, which hung very low, and supported an immense seal containing a glistening stone, which he seemed very fond of dangling with his left hand. Attached to this was a very prominently displayed black ribbon, answering the purpose of a guard-chain, and laid with great contrasting care over the bosom of his shirt. This, with a neckerchief of more flashy colours than Joseph's coat, and a late style Parisian hat, with the rim very exquisitely turned up on the sides, make up our man.

He was discussing politics, with a great many sensible sayings, though nothing like close reasoning; and, strange as it may seem, he was strongly opposed to the rabid views of several staggering secessionists, who surrounded him, and advocated the views set forth in convention by

Mr. Butler. We remarked this more particularly, for it was about the only instance we witnessed of a public man being independent enough to denounce the fanaticism of secession. A more amusing scene than that presented by the attitudes—the questions in regard to South Carolina licking the Federal Government—the strange pomp—ribald gasconade, and high-sounding chivalry of the worthies, cannot be imagined. They were in a perfect extasy with themselves and South Carolina, and swore, let whatever come, they were ready to meet it.

Little Master George seemed very anxious that the captain should become acquainted with him, and commenced giving him a monstrous account of his distinguished abilities. "And that's not all!" said George; "he's not only one of the greatest characters in Charleston, or perhaps the State, but he's a *right good fellow.*"

We will interrupt, by informing the reader that he was one of the *good fellows*—a numerous family in Charleston—who never use fine instruments when they select their company; and pay a large amount of worthy tribute to the liquor-dealers. There is no discriminating latitude attached to the *good fellow* family, for its members may be found with alike gratifying inclinations, from the highest aristocracy to the negro population.

"That, sir, is Colonel S——e; belongs to one of the first families, sir. He can beat old Pettigru all hollow; his eloquence is so thrilling that he always reminds me of Pericles. He can beat little Thomas Y. Simmons, jun., all to pieces—make the best stump speech—address a public assemblage, and rivet all their minds—can make a jury cry quicker than any other man—can clear the worst criminal that ever committed crime; and he's good-

hearted too—can draw the most astonishing comparisons to confound the minds of stupid jurors, and make them believe the d—dest nonsense that ever man invented. Yes, sir, when he makes a speech, everybody goes to hear him; for he says what he pleases, and old Judge Withers, whose will is as arbitrary as Julius Cæsar's, and has got the obstinacy of Tom Boyce's mule, dar'n't attempt to control the tenor of his plea. And he can tell the best invented story of any man in town. He cleared the villanous Doctor Hines once upon the colour of his pantaloons."

George waited impatiently for the end of the political controversy, determined to introduce his friend to the colonel. He soon had an opportunity; for the colonel, finding himself beset by a set of unreasonable secessionists, made a sweeping declaration. "Gentlemen," said he, "let me tell you a modest fact: seven-eighths of the secession fire-eaters don't know what the proper meaning of government is: I make the charge against my own people—but it is true."

"Traitor! traitor!—traitor to South Carolina!" was sounded at the top of a dozen voices.

"Then, if I am such in your opinion, I'm gratified to know that my feelings are my own. Good night!"

Thus saying, he withdrew from the party, and, making his way for the door, was saluted by George, who introduced him to his friend, the captain. The colonel was a very sociable, communicative man; and taking the captain's arm, as they walked along, entered into an interesting conversation about his voyage and first visit to the city, at the same time displaying his good sense in not trying to force the great things of South Carolina into his mind.

We, a few weeks afterward, had the good fortune to hear the legal abilities of this gentleman displayed in a plea at the bar. There were many good points in it, which, if not legally pointed, were said well; yet we should class him as belonging to the *loud school.*

The captain, thinking it a good opportunity to make some inquiries about his steward, as they proceeded, commenced in the following manner—

"Your laws are very stringent in South Carolina, I believe, sir!"

"Well, no, sir," said the colonel, "if we except those which govern the niggers; they of necessity must be so; we have had so many *émeutes* with them, that no law can be made too strict in its bearings. We have so many bad niggers poured in upon us, that the whole class is becoming corrupted."

"Your laws, of course, make a distinction between good and bad niggers, and free negroes?" interposed the captain.

"We make no distinction between the colours—some are as white as you are; but the grades are so complex that it would be impossible to make a sliding-scale law for any fixed complexions. The law which governs them is distinctive and comprehensive—made in order to shield the white population from their ignorance of law and evidence. We never could govern them in their respective spheres, unless the laws were made stringent in their effect. As for the free niggers, they're the greatest nuisance we have; it is our policy to get rid of them, and to that end we tax them severely. The riddance of this class of niggers would be an essential benefit to our slaves, as upon account of their influence our negro-laws

are made more stringent. And the worst of it is that they increase faster. But we make it a principal point to *get all the free men we can married to slaves,* and the free women *run off.* You, that are accustomed to the free institutions of your country, may think some of these things singular at first; but you would soon become accustomed to them, and would really admire them when you saw how beautifully they worked."

"Is there no discretionary power left?" inquired the captain. "It must be oppressive, if carried out. Good men, whether they be white or black, are entitled to the advantages due to them; but where laws such as you describe are carried out, a good man's evidence being black, the intention could not be made white. Now, according to my idea of the law of nature, a man's merits are in his moral integrity and behaviour; therefore I should establish a rule that a good black man was better than a bad white man, and was as much entitled to the respect and government of law."

"Hi!—oh! Captain, it won't do to talk so in South Carolina. Just let a nigger imagine himself as good as a white man, and all the seven codes in Christendom wouldn't keep 'em under. Ah! you've got to learn a thing or two about niggers yet," interrupted Master George, before the colonel had time to speak.

"I only speak from my observation of human nature; but I may become better acquainted with your laws if I remain among you," said the captain.

"As I have said before, sir," replied the colonel, "our nigger-laws are such as to require a strict enforcement. If we allowed the prerogative of a discretionary power, it would open the way to an endless system of favouritism,

just at the mercy and feelings of those exercising it. As it is now, the white or black nigger, male or female, gets the same law and the same penalty. We make no distinction even at the paddle-gallows.* I will relate some singular facts connected with the strictness with which we South Carolinians carry out our laws. And now that we are on the spot connected with it, its associations are more forcibly impressed on my mind. It brings with it many painful remembrances, and, were we differently situated, I should wish the cause to be removed. But it cannot be, and we must carry out the law without making allowances, for in these little leniencies all those evils which threaten the destruction of our peculiar institution creep in. In fact, captain, they are points of law upon which all our domestic quietude stands; and as such, we are bound to strengthen our means of enforcing them to the strictest letter. Our laws are founded upon the ancient wisdom of our forefathers, and South Carolina has never traduced herself or injured her legal

* The paddle-gallows is a frame with two uprights, and a wrench screw at the top. The negro's hands are secured in iron wristlets—similar to handcuffs; a rope is then attached to an eye in these, and passing over the wrench, which being turned, the negro is raised in an agonising position until the tips of his toes scarcely touch the floor. Thus suspended, with the skin stretched to its utmost tension, it not unfrequently parts at the first blow of the paddle. Sometimes the feet are secured, when the effects of this modern science of demonstrating the tension of the human body for punishment becomes more painful under the paddle. South Carolinians deny this mode of punishment generally, and never allow strangers to witness it. It is not, as some writers have stated, practised in Georgia, where we are happy to say that, so far as punishment is conducted in a legal manner, at the jails and prisons, it is administered in a humane manner; and instead of turning modern barbarity into a science, as is done in South Carolina, a strict regard for the criminal is observed.

purity. We have reduced our system almost to a practical science, so complete in its bearings and points of government as to be worthy the highest and noblest purposes of our country. And at the same time, such is the spirit and magnanimity of our people, that in framing laws to guard against the dangerous influences of that wing of our country that spreads its ambitious fallacies—its tempting attractions—shallow criticisms upon minute and isolated cases—redundant theories without measure or observation, and making a standard for the government of slaves upon foolish and capricious prejudices—we have been careful to preserve a conservative moderation towards the slave. But, to my remarks."

The party had now arrived opposite to what was formerly known as Jones's Hotel, where the colonel made a halt to relate the singular case that had pained his feelings, though he held very tenaciously to the law as it was, because he believed strongly in the wisdom of the South Carolina judiciary.

"Our first and great object is to prevent the interchange of sentiment between our domestic niggers, whether bond or free, and niggers who reside abroad or have left our State. To do this, it became imperative to establish a law prohibiting free negroes from coming into the State, and those in the State from going out, under penalty of imprisonment and fine, if they returned. The penalty amounted to sale upon a peon form; and subjected the offender to the slave system in a manner that he seldom retrieved himself. You will observe, captain, the penalty is not desired by our people, the object being to prevent them from returning, and as such it must be taken in the spirit of its origin. Another very wise

provision was made by our legislators, and which has prevented a great deal of suffering on the part of the slave. A few years ago, our wise legislature made a law to revert the power of emancipation from the board of magistrates, where it had been very much abused, to the House itself. And such is the law at the present day, that no master can give his slaves their freedom, except by special act of the legislature, and that with such a multiplicity of provisions and conditions that few even attempt it. But I'm about to refer to cases in which some modification might be said to have been necessary, because *in them* are embodied the worst germs for abolition speculation.

"That, captain, is Jones's Hotel," said the colonel, pointing to an odd-looking house of antique and mixed architecture, with a large convex window above the hall-entrance, in the second storey. This house is situated in Broad-street, next to the aristocratic St. Michael's Church, one of the most public places in the city. "In years past, that house was kept by Jones, a free nigger. Jones was almost white—a fine, portly-looking man, active, enterprising, intelligent, honest to the letter, and whose integrity and responsibility were never doubted. He lived in every way like a white man, and, I think, with few exceptions, never kept company with even *bright folks.* His house was unquestionably the best in the city, and had a wide-spread reputation. Few persons of note ever visited Charleston without putting up at Jones's, where they found not only the comforts of a private house, but a table spread with every luxury that the county afforded. The governor always put up at Jones's; and when you were travelling abroad, strangers would speak of the sumptuous fare at Jones's in Charleston, and the elegance

and correctness of his house. But if his house and fare were the boast of Carolinians, and the remark of strangers, his civility and courteous attention could not be outdone. Jones continued in the popularity of his house for many years; reared a beautiful, intelligent, and interesting family; at the same time, he accumulated about forty thousand dollars. The most interesting part of his family were three beautiful daughters, the eldest of whom was married to a person now in New York. She was fairer than seven-eighths of those ladies who term themselves aristocracy in Charleston, and promenade King-street in the afternoon.

"She removed to New York with her husband, who now resides in that city, engaged in a lucrative and respectable business. A short time after, her second sister, not dreaming that the law would be so stringent as to class her with the lowest nigger, or even lay its painful bearings at her door—for the family were very high-minded, and would have considered themselves grossly insulted to have the opprobrious name of nigger applied to them—paid her a visit. The public became acquainted with the fact, and, to his surprise, Jones was informed by authority that upon no condition could she be allowed to return—that the law was imperative, and no consideration could be given to the circumstances, for such would be virtually destroying its validity, and furnishing a precedent that would be followed by innumerable cases. In spite of all the remonstrances which Jones could set forth, and the influence of several friends of high standing, he was compelled to relinquish all hope of his daughter's being allowed to return to the family. The reasoning set forth had every plausibility; but such is our respect for the law, that we were

compelled to forego our hospitality, and maintain it, even though the case was painful to our feelings. Thus, you see, we maintain the *point* and *spirit* of the law above everything else.

"But the end is not here! A few years after this, Jones received a letter, that his daughter was very sick and not expected to live, accompanied with a desire to have the last soothing comfort of seeing her parents. Jones being an affectionate man, and dotingly fond of his children, without regarding the former admonition, immediately prepared himself, and left in disguise for New York. Mature consideration would have convinced him of the error of one so well known as himself trying to elude recognition.

"His son-in-law Lee, a noble fellow, kept the house; and when Jones was inquired for, it was reported that he was confined to his room. It would have been well if Jones had kept himself secluded in New York, but he was recognised by a Charlestonian; and as such reports have uncommon wings, the news of it soon reached the authorities, when a mandate was issued accordingly, and Jones subjected to the fate of his daughter. There are many painful circumstances connected with the affair, which, if well told, would make quite a romance," said the colonel, all of which the captain listened to with profound attention. "His family all moved to New York, and his affairs were put into the hands of attorneys here, for settlement, by his son-in-law, who continued the business for some years."

"Of course he got his property restored to him?" interrupted the captain.

"Most certainly, captain! The spirit of justice is

coequal with that of honourable law in South Carolina," said George, anxious to relieve the colonel of the answer.

"It is somewhat difficult to settle a man's business by legal process when the principal is not present. The law's delay and lawyers' spoils make time hallowed and costly," said the captain.

"You're right there, captain," said the colonel; "and I doubt—to speak honestly—whether Jones ever got much of his property. There's a good many stories told, and a great deal of mystery about it, that's got to be explained to my mind. But you're a stranger, captain, and it would not be interesting to the feelings of a Scotchman. I may give you the details more minutely at some future day."

"Why, colonel," said George, "you should be considerate in youı statements. Remember the immense difficulty that has attended Jones's affairs; they're not all settled yet."

"True, George; and I'm afraid they never will be. But there are some very singular appearances connected with it. I mean no personal disrespect toward those cousins of yours who have figured in the case. 'Tis bad to call names, but there is a mystery about a certain member of our profession getting rich, when poor Jones declares he's got nothing; and Lee has had to give up the house—I don't say what for."

"Yes, strange things must be kept strangely secret in some parts of the world, and only whispered when there's no wind," said the captain.

"But that's the only case, captain," said George; "and the colonel was indiscreet in recounting it; for from that you may conceive wrong impressions of the best institutions and laws in the world. Jones was an old fool, led

away by his nigger-like affections for them gals of his. He never knew when he was well off, and always wanted to be with white folks when he was here. 'Twould been a great deal better if he'd let them youngest gals gone with Pingree and Allston. They'd have made the tip-top mistresses, been kept like ladies, and not been bothered, and brought all this trouble upon their heads through these infernal abolitionists. I really believe the old fool thought some white man would marry them, at one time."

"What harm would there've been in that, providing they're as white as anybody, and got plenty of money, and were handsome? There must be a singular sensibility that I don't understand exerting itself in your society," said the captain laconically.

"Harm! you'd find out the harm. Just live in South Carolina a year or two. 'Tisn't the fair complexion—we don't dispute that—but it's the blood."

"Oh; then the legal objection," said the captain, "is what is so revolting to society, eh? It may be sown broadcast in licentiousness, then, and custom sustains an immoral element that is devouring the essential bond of society."

"Excuse me, captain," interrupted the colonel. "George, you are always taking me upon suppositions. I only related it to the captain in order to show the power and integrity of our law, and how South Carolinians frequently sacrifice their own interests to maintain it intact. Nothing could be more fatal to its vitality than to make provisions which would entail legal preferences. The law in regard to free niggers leaving the State should be looked upon in the light of protection rather than alienation, for it is made to protect property

and society. Yet, where a case is attended with such circumstances as that of Jones's, some disposition to accommodate might have been evinced without endangering the State's sovereignty. And I must also differ with you, George, so far as the girls maintained their self-respect. It was commendable in them to get husbands whom they could live with in the bonds of matrimony. My word for it, George, though I'm a Southerner, and may give rein to improprieties at times, nothing can be more pernicious to our society than this destructive system of our first people in keeping mistresses. It's a source of misery at best, depending upon expediency instead of obligation, and results in bringing forth children and heirs with an entailed burden upon their lives, to be disowned, cast off from paternal rights, and left to the tender mercies of the law. We see the curse, yet countenance it; and while it devours domestic affections and has cankered the core of social obligations, we look upon it as a flowery garden as we pass by the wayside. There may be but a shadow between the rightful heir and the doubtful son: the former may enjoy the bounty of his inheritance, but the latter is doomed to know not his sire nor his kinsman, but to suffer the doubts and fears and the dark gloom which broods over a bondman's life."

"By Je-w-hu! Colonel, what in scissors are you preaching about? You must a got a pull too much at Bakers's. You're giving vent to real abolition sentiments. Exercise your knowledge of the provision that is made for such children. The captain will certainly draw incorrect notions about us," said George, with anxiety pictured on his countenance. He knew the colonel's free, open, and frank manner of expressing himself, and feared

lest the famous name of the chivalry should suffer from his unconscious disclosures.

"Provisions? George, you know my feelings concerning that vice which is so universally practised in our community. If you know of any provision, it's more than I do. Perhaps you are older and have had more experience. 'Tis the want of such a provision that is just destroying our institution of slavery!"

At this juncture the captain interrupted them, and, begging that the colonel would finish the story about Jones, said he had a few questions to ask them after it was through.

"Well," said the colonel, "Jones died, I believe; but his family are as industrious as ever, and have made money enough to live comfortable; but the scamps have turned out perfect helpmates of the abolitionists, and make their intelligence figure at the bottom of many an escape. But Lee's case is as hard as Jones's. His son went to New York to see his grandfather, and was debarred by the same statute of limitations. Lee, however, was a very capable fellow; and after trying for two years, and finding it would be impossible to return to his father, very shrewdly set about some kind of business, and is now largely engaged in the preserve and pickle business.* The father is now in this city, making a living for his family at *something or other*. He has made several efforts to sell out his little property, but there's some trouble about the title; and if he leaves it to go and see his son, he knows what the consequences will be; and to leave it for settlement would be to abandon it to

* Lee's celebrated pickle and preserve establishment, New York.

the same fate that swallowed up Jones's. Thus the son cannot come to visit his father, nor the father go to visit the son. This, in my opinion, is carrying a prohibition to an extreme point; and although I believe the law should be maintained, I cannot believe that any good arises from it upon such people as the Joneses and Lees, from the very fact that they never associated with niggers. Hence, where there is no grounds for fear, there can be no cause for action," continued the colonel.

"Just what I wanted to know," said the captain. "As I informed you, I am driven into your port in distress. Charleston, as you are aware, is in an advantageous latitude for vessels to refit that have met with those disasters which are frequent in the gulf and among the Bahamas. Thus I expected to find good facilities here, without any unkind feeling on the part of the people—"

"Oh! bless me, captain, you will find us the most hospitable people in the world," said the colonel.

"But your pilot told me I would have trouble with my steward, and that the law would make no distinction between his being cast upon your shores in distress and subject to your sympathy, and his coming involuntarily."

"What!" said little George. "Is he a nigger, captain? Old Grimshaw's just as sure to nab him as you're a white man. He'll buy and sell a saint for the fees, and gives such an extended construction to the terms of the Act that you need expect no special favour at his hands. The law's no fiction with him. I'm sorry, captain: you may judge his conduct as an index of that of our people, and I know him so well that I fear the consequences."

"No!" said the captain. "My steward is a Portuguese—a sort of mestizo; and one of the best men that ever

stepped foot aboard a vessel. He is willing, intelligent, always ready to do his duty, and is a great favourite with his shipmates, and saves his wages like a good man; but he has an olive complexion, like a Spaniard. He has sailed under the British flag for a great many years, has been 'most all over the world, and is as much attached to the service as if he was a Londoner, and has got a register-ticket. Nothing would pain my feelings more than to see him in a prison, for I think he has as proud a notion of honesty as any man I've seen; and I know he wouldn't commit a crime that would subject him to imprisonment for the world. The boys have been pestering the poor fellow, and telling him about some old fellow they heard the pilot speak about, called Norman Gadsden. They tell him if he catches him, they'll sell him for a slave."

"The question is one about which you need give yourself no concern. Our people are not so inhuman but that they will shelter a castaway sailor, and extend those comforts which are due from all humane people. The act under which seamen are imprisoned is the law provided to prohibit free niggers from entering our port, and, in my opinion, was brought into life for the sake of the fees. It's no more nor less than a tax and restriction upon commerce; and I doubt whether it was ever the intention of the framers that it should be construed in this manner. However, so far as your steward is concerned, the question of how far his colour will make him amenable to the law will never be raised; the mere circumstance of his being a seaman in distress, thrown upon our sympathies, will be all you need among our hospitable people. I'm not aware of a precedent, but I

will guarantee his safety from a knowledge of the feelings of our people. Our merchants are, with few exceptions, opposed to the law in this sense ; but such is the power and control of a class of inexperienced legislators, prompted by a most trifling clique of office-holders, that their voice has no weight. I am opposed to this system of dragging people into courts of law upon every pretext. It is practised too much in our city for the good of its name."

Upon this the colonel and little George accompanied the captain to his ship, and, expressing their heartfelt regrets at her appearance, bade him good night—George promising to call upon him in the morning, and the colonel charging him to give himself no trouble about his steward, that he would see Mr. Grimshaw that night, and make all things straight.

Thus ended the captain's first night in Charleston, and represented a picture from which he might have drawn conclusions somewhat different from the actual result. Alas that all the good fellowship and pleasant associations of a people should be disgraced by an absurdity arising from their fears!

The colonel might have given many other instances equally as painful as that connected with the transportation of Jones and his family, and the fetters that were placed upon poor Lee. He might have instanced that of Malcome Brown—a wealthy, industrious, honest, high-minded, and straightforward man, now living at Aiken, in South Carolina. Brown conducts a profitable mechanical business, is unquestionably the best horticulturist in the State, and produces the best fruit brought to the Charleston market. What has he done to be degraded in the eyes of the law? Why is he looked

upon as a dangerous citizen, and his influence feared? Why is he refused a hearing through those laws which bad white men take the advantage of? He is compelled to submit to those which were made to govern the worst slaves! And why is he subjected to that injustice which gives him no voice in his own behalf when the most depraved whites are his accusers? Can it be the little crimp that is in his hair? for he has a fairer skin than those who make laws to oppress him. If he inhaled the free atmosphere from abroad, can it be that there is contagion in it, and Malcome Brown is the dreaded medium of its communication? And if the statement rung in our ears be true, "*that the free coloured of the North suffer while the slave is cared for and comfortable,*" why belie ourselves? Malcome's influence is, and always has been, with the whites, and manifestly good in the preservation of order and obedience on the part of the slaves. He pursues his avocation with spirit and enterprise, while he is subjected to menial and oppressive laws. His father visited New York, and was forbidden to return. He appealed again and again, set forth his claims and his integrity to the State and her laws, but all was of no avail. He was hopelessly banished, as it were, from ever seeing his son again, unless that son would sacrifice his property and submit to perpetual banishment from the State. If we reflect upon the many paternal associations that would gladden the hearts of father and child to meet in happy affection, we may realise the effect of that law which makes the separation painful, and which denies even the death-bed scene its last cheering consolation.

We have conversed with poor Brown on many occasions, found him a very intelligent man, full of humour, and fond of relating incidents in the history of his family —even proud of his good credit in Charleston. He frequently speaks of his father, and the gratifying hope of meeting him at some future day, when he can give vent to his feelings in bursts of affection. He wants his father to return and live with him, because he says he knows they would be more happy together. "I suppose the law was made in justice, and it's right for me to submit to it," he would say, when conversing upon its stringency; and it also seems a sort of comfort to him that he is not the only sufferer.

Now, it becomes a question whether this prohibition can be successful in its object. Its effect is certainly disponing and alienating; and though it be intended to conserve power, how is that power to protect itself, or what continuation of safety can be expected, when it is burdened with such stringent constructions? Principles of justice found the strongest power, a power the most lasting, because it has a collateral net-work that can be drawn together by the hand of right, to shield itself. There is an issue which yet remains to be solved, in this power which South Carolina has set up in injustice, to protect herself. We will not descant upon it. One power despoils by its absolutism—the other supports, governs, and spreads the blessings of its wisdom; and is lasting, because it perpetuates justice. A law is here made to protect one class of citizens against the *ignorance* of another! This ignorance is caused by oppression; and the oppressor, fearing his own wrongs, seeks to protect himself by injus-

tice against the very ignorance which he enforced upon poor humanity. Here the South Carolinian is doubly guilty in the sight of God and man. He enforces ignorance by law, and, fearing his own unrighteousness, asks law to protect him from the influence of the wretch of his own hand. The worst of these oppressive laws is that, while they are the white man's statute of protection between himself and his chattel, they are felt with more severity by a class of men equally as free as the white man, so far as property is concerned, and with a large share of the same blood circulating through their veins. The sensibility of these men is acute, though they dare not give expression to their feelings; and by thus constituting laws prohibitory in their effect, burdening their estates, and depriving them of their rightful privileges, they are made natural enemies.

Living under such entailed restrictions, and under a perpetual burden from which the man sees no prospect of freeing himself, what must we expect of the state of affairs in such a community? Though their murmurings may not be heard by those who have assumed the governorship, their feelings must be quickened against the wrongs they endure, and the injustice employed against them, which they look upon as an inveterate hostility to their rights. It is monstrous and injurious to their well-being; and the mind, charged with resentment, creates a power silent, yet effective. Rights rejected, liberty restricted, and fetters made to check the sphere of usefulness, produce unnatural feelings and discontent. That discontent spreads its influence at home, and is more to be feared through the cause that produced it than anything injurious

which the coloured man* could derive from abroad; and yet the law that binds them in this abject sphere is an expedient for present protection, instead of being based upon fundamental principles of government.

* A singular opinion is entertained by many in the Slave States, and particularly set forth in South Carolina and Virginia, that a negro is not only an inferior being, but merely transient in his existence, and not an immortal being. They argue that he has no latent capacities capable of high transformation or development, and never can qualify himself for citizenship. These opinions are supported by broad assertions, and kept alive by an unlimited jingle of high-sounding words; for we never yet met one of its supporters, however versed in mental and physical law, that could bring forward any sage philosophy to confirm it. Their theory of reasoning was strange beyond comprehension, and set forth in words full of ridiculous insignificance. In those very arguments were stronger evidence of limited capacity than our experience taught us existed in the minds many of the coloured population. In fact, the black man is looked upon as a miserable compound of matter with senses rather above the instinctive, yet capable only of being taught humility and menial subserviency. So strong have we heard this point contested by men who called themselves intelligent Southerners, that they would even assert their belief in a distinctive quality of that immaterial substance which governs material matter—that the one was susceptible of immortality, the other mortality only.

Such arguments were worthy of consideration for their infinite singularity and originality. Wonder is lost in its own perplexity; and immortality, upon such physiological theories, becomes amusingly corruptible in the progress of such Southern definitions. The luxury of such a theory is in that which awakens a philosophical research into the boundary of limitation between the species. As there is no point where it can be said to cease in the progress of intermixture, of course it becomes unlimited, and must require the nicest discrimination to detect the slightest shade of colouring, requiring different arguments, according to the endless variety of light and shade. We have said at the South, that when such opinions were supported by the press, the civilised world would recoil against them, and no greater blow could be given to slavery. Since then, the *Richmond* (Va.) *Examiner*, one of the leading

If South Carolina would awake to her own interest, she would find more to fear from the stringency of her own laws than from the influence of a few men coming from abroad.

journals in the South, has openly avowed such sentiments in a leader of nearly two columns long.

To show the fallacy of such pretensions—for we cannot call them arguments—we will relate an instance which came under our observation. One of its strongest supporters had a very promising negro about thirty-five years of age—that is, he was a "very prime feller, and sound as a two-year old alligator." The animal-man doctrine supporter was a rich rice-planter, owning about three hundred and forty of these animals—that is, pieces of property; and although not much of a Christian himself, he knew the impressive character of the negro's mind, and the effect of the Bible upon it, and regularly paid a good Elder to preach one of his stereotyped sermons to them once a fortnight. This sermon consisted, in a great part, of what servants should do, and how it was the command of the Lord that they should obey their masters. Of course, the good Elder got good pay and good dinners, and lived as a great many jolly, good deacons do in the South—that is, preached very necessary virtue and Christian forbearance in the morning, and got very badly fuddled in the afternoon; and when he saw seven doors, and could find egress through none of them, he forgot to charge all the illusion to the corkscrew. The Elder was not to blame in the premises, for he was a mere hireling, and the master contracted with him to do that which he was ashamed to do himself—tell them of so many great things contained in the Bible, and punishing all attempts to search for themselves.

This "prime fellow," whose name was Henry, and very black at that, had, through his own indomitable perseverance, learned to read, while his master slept, and his wife and children were resting upon the bare planks of the cabin. In this manner, he became conversant with Bible literature to an extent that would seem incredulous to many. The result was, that his views upon religion became more extensive than those manifested by the Elder, although he dared not let it be known that he derived his knowledge of the gospel from any other source of reasoning than that laid down so systematically by the Elder. The neighbourhood was a rich one; and the Elder was the all-necessary implement of piety for about five planters, three of whom kept a great many race-horses, and other

CHAPTER X.

THE PROSPECT DARKENING.

After the colonel and little George left the captain, as we have stated in the foregoing chapter, he descended into the cabin, and found Manuel sitting upon one of the lockers, apparently in great anxiety. He, however, waited for the mate to speak before he addressed the captain. The mate awoke, and informed the captain that

sporting adjuncts to a Southern plantation. Henry had several times told his master that he "felt a great deal of preach within him," and thought he could *do up* something better than the Elder. His master would scout such an idea, believing him to be only mortal, and tell him that he would make a better driver than he would a preacher. It happened one Sunday that the Elder was taken with a morbid inclination too early in the morning, which, by yielding to, rendered him decidedly indisposed, and a candidate for the sheets instead of the sacred desk. The *property* had all assembled in the "preaching-place," when a boy arrived with the Elder's sermon in his hand, and a request that master would read it, and excuse Boss's sickness. To assume the position of minister was rather more than master's feelings could surmount; for he had played seven-up with some friends until three o'clock that morning, and was to have a two-mile match with his horse Essex at eight o'clock the next. However, master was a true Southerner, and not to be outdone by scruples of a small nature; so he mounted the tribune, sermon in hand, to the infinite amusement of the *property* assembled. After commanding silence in a peremptory tone, and giving out a hymn from Watt's "second book," in which they all joined with a hearty good-will, mingling their dolorous music in plaintive harmony, master said they would omit the prayer upon this occasion, and commenced turning over the leaves of the old sermon, which were so dingy, defaced, and torn, that he could not make out ten lines of it, and threw it down with chagrin pictured in the

a slender, dark-complexioned man had been aboard a few minutes after he left, making particular inquiries about the steward: that he spoke like an official man, was dressed in black clothes, and wore spectacles.

quick contortions of his countenance. Here was a climax! How could he surrender his first attempt as a minister of the gospel? It would not do to seem wanting in "Buckera Man's Wisdom" before the eyes of his property, and a chapter from any part of the Bible would not do; nor did he know where to put his finger upon that one about servants obeying their masters. At length, making a virtue of necessity, he called Henry, the prime fellow, and, telling him to try his hand at a sermon, abdicated in his favour. The result was that Henry's sermon (extempore) astonished both master and property. Henry had a great idea of good order, and his *new* sermon was full of impressive sentiments and sound reasoning. He exhorted the property to love their master; and, again, the master to deal justly. Master was "much taken" with Henry's first effort, and began to think there was something more than animal in him, while, at the same time, it was increasing his value nothing short of five hundred dollars; for preachers are *tip-top* property. It was not long before master conceived the idea of a handsome speculation in Henry; but it would do the Elder out of his dinners. However, as money was the great object with him, and Henry being a nigger, the preaching would have an immense deal better effect upon his nigger property if his sermons could be kept of the right stamp. It would also increase the value of his property; and so he forthwith suggested to his neighbours that they should have his boy Henry do their preaching, and he would only charge half price. The proposition was full of interest, and fruitful of good; so, after meeting at one of the plantations, and hearing one of Henry's new sermons, they at once agreed to the proposition. Thus the Elder was no longer wanted, and had to pocket his worn-out sermon and seek business elsewhere, while Henry became the preaching implement of the parish on Sundays, and the labourer in the corn-field during the week.

His master would very often, jocosely, say to us that he had a parson and a church, a fiddler and a dance-house, for sale.

We have extended this note much beyond our intention; yet we cannot leave the reader without disclosing to him a small fraction of the Elder's present business, showing that he is a man of good parts, a worker in and among suffering humanity, and determined to do good for his fellow-man—which he never fails to impress upon his new acquaintances. His

"I asked him if we'd have any trouble with Manuel, and tried to make him understand that he wasn't a black, and that our situation might excuse us from any annoyance through their peculiar laws. But the old chap

habitual inclination to be sick on Sunday had preceded him, before Henry so very unexpectedly supplanted him; and as preaching was mere expediency, there were no jobs to be had "far nor near." He must do something, and it must be for the good of degenerate man; and being a bit of a doctor as well as a preacher, he engaged in a business by no means new in the South—that of going from one plantation to another and purchasing sick and deformed negroes, curing them, and "taking the cinks out;" and, while thus rendering good to suffering humanity, selling them in the market at a nice little spec. In this manner the Elder thought he was entitled to a double recompense from heaven, because he "cured 'em, and was right sharp about getting the critters good masters." In this manner he also amassed considerable sums of money; but his workings in the cause of humanity became somewhat loathsome, and he had great thoughts of being a stock-broker upon 'Change. Here he soon became used up, and, disgusted with the dishonesty of the whole board of brokers and money-changers, his heart has again become generous in the cause of suffering humanity; and he may be seen, mounted upon an old grey horse, with his huge saddle-bags, going around the interior purchasing the sick and the maimed, and examining neglected cases of dying. When he has gathered these crippled ends of human nature into one forlorn group, he is very kind; and, instead of making them walk to his asylum, only chains them, and has them drawn in a large waggon. Planters consider him extremely useful; and if they can get the best end of a bargain in a "sick nigger" with him, or "take him in," as they call it, they are sure to do it.

He always carries a prayer-book in his pocket, from which he reads prayers to his infirmary, when he is upon the road, every morning and night. If he travels on Sunday, he takes advantage of some pine-grove to preach to them about noon, frequently forgetting to give them their corn for dinner, or even unchaining them, lest his Christian charity should cause them to run away. We once asked this pious creature, who often endeavoured to impress us with the humanity of his occupation, what sort of a place he expected in the next world? His answer was quite philosophical; but we will not burden the reader's mind with it.

seemed mighty stupid about everything, and talked just as if he didn't know anything about nothing. 'A nigger's a nigger in South Carolina,' said he dryly, and inquired for a quid of tobacco, which I handed him, and he took one big enough for six. Said I, 'Mister, do you call a man a nigger what's a Portugee and an't black?' 'It depends on how he was born,' says he. 'Well, but ye can't make a white man a nigger nohow, whether it's in South Carolina or Scotland,' says I. 'Well, we don't stand upon such things here; we can show you niggers as white as you be, Mr. Mate,' says he. 'But, mister, what's to do about our steward, that ye make yer inquiries about him? he ha'n't did nothing?' said I. 'Well, Mr. Mate, it's *contrary to law* to bring nigger stewards into our port. They're a bad set of fellows generally, and we claim the right to lock 'em up to insure their good behaviour and keep their bad influence away from our slaves. 'Tis not my office. I observed your arrival and wrecked condition, and merely came to take a look,' said he. 'Well, now, mister, our steward thinks as much of himself as anybody, and wouldn't mix with your niggers on any account. But, mister, won't it make a difference because we're cast upon your shore in distress?' says I. 'Not a whit! it's *contrary to law*, and the law's got nothing to do with wind and weather. We love the sovereignty of our law too well to make any discrimination. We're a hospitable people, and always give folks plenty to eat; but we never allow any favours in the law. I'll call and see you in the morning,' said he, and away he went."

This individual was Mr. Grimshaw, the principal mover of the powers *that be*, notwithstanding he asserted that it

was not his office, and that he just walked round to take a look.

During his visit on board, Manuel was absent on board a Boston barque, where he met a white steward, who gave him a sad picture of the Charleston jail and the cruel treatment that was inflicted upon prisoners there by starvation. He told him that he was once put in for a trifling offence, and nearly starved to death before he got out. "You will be sure to go there, Manuel," said he, "for they make no distinction; and if a man's a foreigner, and can't speak for himself, he'll stand no chance at all. I'd give 'em the slip afore I'd suffer such another punishment," he continued.

This so worked upon the poor fellow's mind that it became a matter of little moment whether he jumped overboard or remained on the ship. He waited until the mate had concluded, and commenced appealing to the captain in a most pitiful manner. The disgrace of being imprisoned seemed worse than the punishment; and he did not seem to comprehend the intention that he should be imprisoned for no crime in the United States, when he had sailed round the world and visited a majority of its ports, both barbarous and civilised, without molestation. He wanted the captain to pay him off, and let him leave by some vessel in the morning. The captain endeavoured to soothe his fears by assuring him that there was no danger of his being imprisoned; that the people of Charleston had too much good feeling in them to be cruel to a distressed sailor; that the power of the consul was a sufficient guarantee of protection. "You are not among Patagonians, Manuel," said he. "There's no use of working your mind into a fever; you'll be as well taken

care of here, and be thought as much of, as you would in London." This assurance had the effect to soothe his mind, upon which he left the cabin more at ease, and went into the forecastle to turn in with his little companion Tommy. Men had been detailed for the pumps as soon as the flood-tide made, and the captain retired to his berth.

It seemed there was a mutual understanding between the pilots and officers in regard to the arrival of coloured stewards; and the pilot, after leaving the vessel, went directly to Mr. Grimshaw's office, and reported a nut for him to crack. This brought him to the wharf to "look around."

Early in the morning the crew were at their duty. The mate commenced giving orders to clear away the deck, and Manuel to make preparations for breakfast. He had scarcely commenced before two men, Messrs. Dunn and Dusenberry, walked up and down the wharf for several minutes; then they would stand together and gaze as if to watch the approach of some vessel in the offing. At length, Dusenberry, seeing Manuel come to the gangway with a bucket in his hand, walked to her side, and, stepping on board, seized him by the collar, and, drawing a paper from his pocket, said, "You're my prisoner! You must go to gaol! Come, be quick, sir! You must not stop to get your things—you must send for them after you're committed."

The mate and several of the crew being near, at once gathered around him. At the same time Dunn, who was standing at the end of the wharf awaiting the result, thinking Dusenberry was opposed, came to his assistance. The officers and crew knew the respect due to the laws

too well to oppose any obstacles to the constables in executing their duty. The mate, in a very polite manner, asked as a favour that they would leave the man a few minutes until the captain came on deck. They yielded to his solicitation after a great deal of grumbling. The arrest made a deep feeling among the seamen. They felt that they were losing their best friend; and to see him dragged away like a felon, between two ruffianly constables, awakened those finer sympathies which lay coiled beneath the rough exterior of a sailor's feelings. Had he murdered, plundered, or even disobeyed the orders of his officers, there would have been some cause for the proceeding; but to witness the spectacle of an innocent man being led away to suffer in a criminal's cell, in a land of freedom, could not fail to call forth every feeling of remorse in the hearts of those who had been his companions in hardship and suffering. None felt it more than little Tommy. He heard the noise upon deck, and came running with tears in his eyes, and cried, "O Manuel! why, Manuel, what are they going to take you away for? Won't I see you again, Manuel?" The little fellow's simplicity touched the feelings of all present. But the lame officer, Dunn, stood with a pair of handcuffs in his hand, as unmoved as a stoic, while Dusenberry expressed his impatience, and began to push the boy away, and motion to march him off.

"Hold a bit!" said the mate. "The captain will be on deck in a few minutes; he wants a word or two with you."

"We can't stop unless we're compensated for our time. 'Tis no use to delay—'twon't do any good; he's a nigger to all intents and purposes. I know by the curl in his

hair; they can't escape me, I've had too much to do with them!" said Dunn.

"Yes, to be sure, I can tell a nigger by his ear, if his skin's as white as chalk!" said Dusenberry. "It's all gammon this bringing bright outlandish men here, and trying to pass them off for white folks. 'Twon't stick? You must come up and be registered, and you'll have a good time at the jail, my boy; there's plenty of bright gals in there, and you can have a wife, if you know how to do the courting."

The captain now came upon deck, and began to intercede, begging that they would not take Manuel away until he had seen the British consul. "I know I can make everything straight. There is no occcasion to imprison my steward—he's neither a nigger nor a bad man; and I'll pledge you my honour that he shall not leave the ship, or even go upon the wharf, if you will only allow me to see the consul before you take any further action," he continued.

"That is beyond our power, sir. You must see the sheriff; you'll find him in his office bright and early. But you might as well put your appeal in your pocket, or send it to Queen Victoria, for all Consul Mathew can do for you. He's been kicking up a fuss for two years; but he might as well whistle ag'in a brickbat as to talk his nonsense about English niggers to South Carolina. He'll get tarred and feathered yet, if he ain't mighty shy about his movements. Sorry, captain, we can't accommodate you; but we're only actin' for the sheriff, and his orders are imperative to bring him right up. We must lock the fellow up. We don't make the law, nor we ha'n't the power to control it." Thus saying, Dunn took a little key from his pocket, and begun to turn it in the handcuffs.

"What!" said the captain, "don't attempt to put them things on my man, upon your peril! Is that the way you treat a poor shipwrecked sailor in South Carolina, the State of boasted hospitality? No, sir! I will sacrifice my life before my man shall submit to such a thing," said the captain, with his Scotch energy aroused. "Have you lost the last spark of confidence due to every man, rich or poor, black or white? My word for him is sufficient; and if mercy was your inheritance, you would bestow it without fear. I would rather, had I known this, seek a shelter from your shores; take my men, worn out as they are, and my vessel in her wrecked condition, leave your port, and say to the civilised world, 'I was driven from the port of South Carolina, the State that refuses an asylum to shipwrecked mariners.' Manuel would have another tale to add to that which he is already so fond of telling about the Patagonians. Save yourselves the trouble of unlocking your irons—they are very useless among innocent people; and if you make a second attempt, you may overtax my feelings."

"Captain!" said Dunn, "we'd not be takin' the advantage of ye because ye're a stranger, but 'tis the law; and if we accommodates ye, sure it'll be at our own risk. But anyhow, captain, ye'd be keepin' meself and this gentleman a long time waiting, 'twouldn't be amiss to be giving us the usual perquisite. You won't miss it, and we've a great deal to do for small fees, that niver compinsate for the accommodation we be's to give everybody; an' the loss of time's the loss of money."

"Give you a perquisite! No, indeed; I never pay for such favours. Wait a few moments. I will accompany you myself, if you will not take my honour for his good conduct on the way to prison," continued the captain.

"Captain, sure ye needn't trouble yerself anyhow. We'll take yer honour that he don't run away; and if he does, ye'll stand the odds at the sheriff's. Sure, a case would niver pass Mr. Grimshaw's observation; but to plase ye, and considerin' the wreck, meself and Dusenberry 'll put him up without," said Dunn.

During the conversation, Manuel pleaded hard to be heard before the consul, having a mistaken idea that the consul could protect him from all danger, and that if he could get a hearing before him he was sure to be released. The captain shook his hand and told him to be contented until the consul's office opened, when he would come to the gaol and see him. Manuel then turned to the crew, and, shaking the hands of each, took his little bundle in one hand, and, holding little Tommy by the other (who accompanied him to the head of the wharf), was soon out of sight.

But will the reader believe what was the practice of these petty officers? We can assure them that such instances as the one we shall relate are not only practised in Charleston to an unlimited extent, but the fact is well known to both magistrates and the public; the former treat it as moonshine, and the latter rail against it, but never take proper action.

Scarcely had little Tommy left them at the head of the wharf before they intimated that it would be well to consider a morning dram. To this end they walked into a "Dutch corner-shop," and, passing into the back room, gave sundry insinuations that could not be misunderstood. "Well! come, who pays the shot?" said Dunn, stepping up to the counter, and crooking his finger upon his nose at a dumpling-faced Dutchman, who stood behind the counter, waiting for his man to name it. The Dutchman

was very short and very thick, leaving the impression that he had been very much depressed in his own country when young. He rubbed his hands and flirted his fingers in motion of anxiety. "Every ting vat de shentleman vant him—dare notin like to my zin and brondty vat him got mit ze zity," said Dutchy.

"Gentlemen, I should be glad to have you drink with me, if it be proper to ask," said Manuel.

"Oh, yes—certainly, yes! just what we come for, something to cut away the cobwebs—'twouldn't do to go out in the morning fog without a lining," said Dunn.

"Name it! name it, shentlemen!" exclaimed the Dutchman, as he rapped his fingers upon the counter, and seemed impatient to draw forth his filthy stuff. They named their drinks each with a different name. Manuel not being a Charleston graduate in the profession of mixing drinks and attaching slang names to them, Mr. Dusenberry undertook to instruct him in a choice. The Dutchman was an adept at mixing, and the "*morning pulls*" were soon set out to the extreme satisfaction of Dunn and Dusenberry. "All right! tip her down, my old fellow; none o' yer screwed faces over such liquor as that. We drink on the legitimate in Charleston, and can put it down until we see stars," said Dusenberry, addressing himself to Manuel, who was making a wry face, while straining to swallow the cut-throat stuff.

Dusenberry now left Manuel in charge of Dunn, saying he was going out to attend to some business. Manuel drew from his pocket a quarter of a Columbian doubloon, and, throwing it upon the counter, told the Dutchman to give him change. The Dutchman picked it up, turned it over several times, and, squinting at it, inquired, in a

very unpretending manner, what its value was. He knew already, yet this was only done to try Manuel. At the same moment he winked to Dunn, who, stepping up, gave it a significant toss upon the counter. "The divil a bit more than two dollars; all right, Swizer," said he.

"'Tis four dollar, West Inge—I want my change," said Manuel, shrugging his shoulders. "I no want no more than my own; and no man to cheat-e me."

"Don't be bothering with your four dollars—sure, ye a'n't in the West Inges now; and money's plenty in Charleston, and I can't bring up so much—half so much. Don't be bothering with your West Inge nonsense. If ye try to raise a fuss here, I'll make the captain suffer. Ye must learn that it won't do for a nigger to dispute a white man in Charleston; we'd twitch ye up by the same law we'd put it to our own niggers, and ye'd git trised up, and about fifty paddles on yer bare butt." The Dutchman put down a dollar and seventy cents, but Manuel refused to take it up; when this fellow, Dunn, pretending to be the friend of Manuel, held out his hand, and telling the bar-keeper to put another dollar, which he did, he passed it hurriedly into Manuel's hand, and, making a pass, told him to put it into his pocket.

It was now about good business-time for the Dutchman, and his customers were coming in with their bottles and pots in great numbers. The place was a little filthy hole, very black and dirty, about twelve feet long and seven feet wide, with a high board counter almost in the centre. The only stock-in-trade that decorated it was a few barrels of lager beer; several kegs, with names to set forth the different qualities of liquors painted upon them; a bushel basket about half full of onions, and a

few salt fish in a keg that stood by the door. Around the room were several benches similar to those in guard-houses. Upon two of them were stretched two ragged and filthy-looking negroes, who looked as if they had been spending the night in debauchery. Dunn, as if to show his authority, limped toward them, and commenced fledging their backs with his hickory-stick in a most unmerciful manner, until one poor old fellow, with a lame hand, cried out for mercy at the top of his voice.

"It's a bad business keeping these niggers here all night, Swizer—you know I've done the clean thing with you several times," said Dunn, pointing his finger at the Dutchman, who winked, and, coming from behind the counter, slipped something into his hand, and, stepping to the door, assumed some threatening language against the negroes, should they *ever* come back to his store. A large portion of those who came for liquor were negroes, who looked as if they were parting with their last cent for stimulant, for they were ragged and dirty, and needed bread more than liquor. Their condition seemed pitiful in the extreme, and yet the Dutch "corner-shop keeper" actually got rich from their custom, and so craving was he upon their patronage that he treated them with much more courtesy than his white customers.*

* These "Dutch corner-shops" are notorious places in Charleston, and are discountenanced by respectable citizens, because they become the rendezvous of "niggers," who get into bad habits and neglect their masters' or mistresses' business. Yet the keepers exert such an influence at elections that the officials not only fear them, but, in order to secure their favours, leave their rascality unmolested. Well might a writer in the *Charleston Courier* of August 31, 1852, say—"We were astonished, with many others, at the sweeping charges made in the resolutions passed at the HUTCHINSON meeting at Hatch's Hall, and were ready to enlist

It is strictly "*contrary to law in Charleston*" to sell liquor to a negro without an order from a white man; the penalty being fine and imprisonment. Yet so flagrant has become the abuse that it is notorious that hush-money is paid by a certain class of Dutch liquor-sellers to the officers. In nearly all the streets of Charleston, where there is a shanty or nook large enough to hold a counter and some tumblers, these wretches may be found dealing out their poisonous drugs to a poor, half-starved class of negroes, who resort to all kinds of dishonest means to get money to spend at their counters. These places are nearly all kept by foreigners, whose merciless avarice scruples at nothing, however mean. They soon become possessed of considerable means, and, through their courtesy and subserviency to the negro—for they are the only class of whites that will beg his pardon if they have offended him—carry on a sort of active rivalry with each other for his custom. It is from these miserable hells that seven-tenths of the crimes arise for which the poor negro is dragged to the workhouse, and made to suffer under the paddle.

And yet these very men, whose connivance at vice and crime is disregarded by the law, rise and take position in society, not only entering into more respectable business, but joining in that phalanx who are seeking the life-blood

at once to lend our voice to turn out an 'administration' that for two years permitted 'moral sentiment to be abandoned,' 'truthfulness disregarded,' 'reverence for religion obliterated,' 'protection to religious freedom refused,' 'licentiousness allowed,' 'and a due administration for vice neglected.'" These charges stand unrefuted, and, with but one or two exceptions, we have never known one of those unlawful corner-shops prosecuted by the present administration. And those single instances only where they were driven to notice the most flagrant abuses.

of the old Southerner, and, like a silent moth, working upon his decay. There is a deep significance in the answer so frequently given in Charleston to the interrogatory, "Who lives in that splendid dwelling? It seems to have been the mansion of a prince, but is somewhat decayed."

"Oh, bless me, yes! It was once the mansion of the So-and-sos, one of the first families, but they're very poor now. Mr. What-you-may-call-'em owns it now; they say he didn't get it honestly. He kept a little grog-shop on the Bay, or sold bacon and whiskey on the Bay, and made awful charges against poor So-and-so, and, after a long trial in Chancery, he got his house. He's a big fellow, now, I tell you, and is going to fit the house up for himself!"

Dunn told Manuel to be seated, that there was no occasion for hurrying—it would be all right if he got to the sheriff's office at nine o'clock; and then commenced descanting upon the fine time he would have at the jail. "There's a right good lot of comrades there, me boy; ye'll have fiddling and dancing, plenty of gals, and a jolly time; and ye a'n't a criminal, ye know, so it won't be anything at all, only keep up a stiff under-lip. Come, let us take another drink; I feel mighty husky this morning!" said he.

Just at this time Dusenberry re-entered, puffing and blowing as if he had been engaged in a foot-race. "Another bird for old Grimshaw, at Commercial Wharf! I know'd she had one aboard, 'cause I seed him from the wharf," said he, in perfect extasy, pulling out a pencil and making a note in a little book.

"Don't be a child," said Dunn. "Come, we have just

proposed another drink—you join, of course; ye niver says no, eh, Duse?" They stepped to the counter; and Dunn, again pointing his finger upon his nose at the Dutchman, who stood with his hands spread upon the counter, called for gin and bitters, Stoughton light. Turning to Manuel, who was sitting upon a bench, with his head reclined upon his hand, apparently in deep meditation, he took him by the collar in a rude manner, and, dragging him to the counter, said, "Come, by the pipers! rouse up your spirits, and don't be sulking, my old Portugee! Take another O-be-joyful, and it'll put ye all right, and ye'll dance a hornpipe like a jim-crack."

"Excuse me, sir, I think I have taken enough. Do, please, either take me back to my vessel, or where you are going to. This is no place for me!" said Manuel.

"Sure, what signifies? Don't be talking your botheration here! a nigger mustn't sauce a white man. Come, there's no use backing out; you must take a glass of Swizer's lager beer," said Dunn.

Manuel looked around him, and then closing up very reluctantly, the Dutchman filled his glass with frothy beer, and the three touched glasses and drank. They then retired to a bench, and commenced discussing the propriety of some point of their official privileges, while Manuel was left standing at the counter.

"Who pay de drink vat shu got?" inquired the Dutchman, anxious to serve two little niggers who had just come in with bottles in their hands.

"It was our friend's treat. Come, my good fellow, do the clean thing according to Southern science. We'll put a good word in for you to the jailor; you won't lose nothing by it," said Dusenberry.

"My friends, I work hard for my money, and have none to spend foolishly. The small amount is of little consequence, but I would much sooner make you a present of it than to be drugged by pretence. I've no desire to indulge the propensities of others. Whatever you are going to do with me, do it, and let me know my fate. I am sick and fatigued, and have need for the doctor. Take me to a prison, or where you please. I have done no crime; I want sleep, not punishment. Next time I shipwrecked, I get plank and go overboard 'fore I cum to Charleston." So saying, he pulled out fifty cents and threw it upon the counter, and the Dutchman swept it into the drawer as if it was all right, and "just the change."

"Shut up, you black rascal, you! You musn't talk that way in South Carolina. We'll have you stretched on the frame and paddled for insolence to a white man. D—n me, if you're in such a hurry for it, just come along!" said Dusenberry; and, reaching his hand over to Dunn, took the handcuffs from him and attempted to put them on Manuel's wrists. The poor fellow struggled and begged for more than ten minutes, and was well-nigh overpowering them, when Dusenberry drew a long dirk-knife from his bosom, and, holding it in a threatening attitude at his breast, uttered one of those fierce yells such as are common to slave-hunters, whose business it is to hunt and run down runaway niggers with bloodhounds. "Submit, you black villain, or I'll have your heart's blood! Bring a rope, and we'll trise him up here! Jump! be quick, Swizer!" said he, addressing himself to the Dutchman. The Dutchman ran into the front apartment, brought out a cord similar to a clothes'-line, and commenced to undo it.

"Do you give up now?" said Dusenberry, still holding the knife pointed at him. Manuel was in the habit of carrying a poniard when on shore in foreign countries, and put his hand to his breast-pocket to feel for it. He remembered that he had left it in his chest, and that resistance would be useless against a posse giving expression to such hostility to him. The shackles were put upon his hands with ruffianly force.*

"Oh! am I a man, or am I a brute? What have I done to receive such treatment? May God look down upon me, and forgive me my transgressions; for in his hands are my rights, and he will give me justice," said Manuel, looking his cruel torturers in the face.

"A man! No, by heavens, you're a nigger; an' it's that we'd be teaching you! Come, none of yer sermons here; trot off! We'll give you a handkerchief to cover your hands, if you're so d—d delicate about walking through the streets," said Dunn, throwing him an old red handkerchief, and marching him along through Broad-street. Dusenberry now left him entirely in the charge of Dunn. while, as he said, he went to Adger's Wharf to keep his eye on another vessel that was approaching the dock. The tricks of this man Dunn were well known to those connected with the police and sheriff's office;

* The author, in company with a gentleman now residing in Baltimore, preferred a complaint against these officers for maltreatment of "coloured seamen," and for frightening them into payment of certain sums of money for being allowed the privilege of going to prison without them, before one of the presiding magistrates of Charleston—S. F. Robertson, Esq. We made it before that gentleman, in consequence of his standing and respectability. The result was, that he gave a little private advice to them, which they listened to while in his presence, but forgot to respect beyond it.

but, instead of being displaced for his many offences, he was looked upon by *them* as the best officer upon the rolls; and, in fishing for mischievous niggers, he was held as a perfect paragon. In this instance, he was not contented with the outrages he had inflicted upon Manuel at the Dutch grog-shop, which he had forced him into, but he would stop in the public street to hold conversation with every *cove* he met, and keep the poor man standing for public gaze, like chained innocence awaiting the nod of a villain. The picture would have been complete, if a monster in human form were placed in the foreground applying the lash, according to the statute laws of South Carolina.

CHAPTER XI.

THE SHERIFF'S OFFICE.

It is nine o'clock on the morning of the 24th March, 1852. Manuel was marched into the sheriff's office, situated in the court-house, on the corner of Broad and Meeting streets. A large table stood in the centre of the room, covered with sundry old papers, and an inkstand. At one side was an old sofa, bearing strong evidence of its being worn out at the expense of the State. A few pine-wood and painted book-stands, several tipstaffs, old broken-backed chairs, and last, but not least, a wood-sawyer's buck-saw, stood here and there in beautiful disorder around the room; while, as if to display the immense importance of the office, a "*cocked*" hat, with the judicial sword, hung conspicuously above the old sofa. A door opened upon the left hand, leading into the clerk's office, where the books and archives of the office were kept. Mr. Kanapeaux, the incumbent, exhibited a great deal of good feeling, which it would have lost the sheriff none of his reputation to pattern after, and kept his office in very respectable order.

"Come in 'ere, Manwell, or whatever yer name is," said Dunn, as he led the way into the presence of Mr. Grimshaw, the lean, haggard-looking man we have before described. His dark, craven features, as he sat peering through his glasses at the morning news, gave him the

appearance of a man of whom little was to be expected by those who had the misfortune to fall into his hands.

"Ah, Dunn, you are the best officer in the city! 'Pon my soul, these fellows can't escape you! Where did you pick up that nigger?" said he, with a look of satisfaction.

"A fat fee case, Mr. Grimshaw, '*contrary to law;*' he's a Portugee nigger. Never had so much trouble with a nigger in my life; I didn't know but the fellow was going to preach a sermon. The captain—he belongs to a wrecked Englishman—wanted to come the gammon game with him, and pass him for a white man; but, sure, he couldn't come that game over meself and Duse, anyhow," said Dunn.

Without saying a word, Manuel stood up before his accusers, upon this strange charge of "*contrary to law.*"

As he looked upon his accusers, he said, "What have I done to suffer a murderer's fate? Am I to be sold as a slave because of the visitation of God? I have done no murder! No! nor have I stolen in your land! and why did these men decoy me into—"

"Silence! silence! You are in the sheriff's office," said Dunn, pointing his finger at his nose. "You can't come your John Bull nigger in South Carolina."

This brought the sheriff's clerk to the door that led into the passage. "Dunn, I have warned you about these things several times; the public are getting wind of them; they'll bring this office into disrepute yet. You ought to know what effect the association of officials with these 'corner-shop keepers' is already having in the community," said he.

"How the divil do ye know what yer talking about? Sure, it's his honour's bisness, and not yours at all, at all,"

said Dunn, addressing himself to Mr. Kanapeaux, and then looking at Mr. Grimshaw.

"Mr. Kanapeaux, you must not interfere with the officers and their duty; attend to your business, and get your book ready to register this nigger-boy," said Grimshaw.

"Well, now, my good fellow," continued Grimshaw, "I dislike this business very much; it don't pay me enough for all the bother I have with it. 'Tis just a little filtering of fees, which makes the duty of my office exceedingly annoying. But we must respect the law. We do these things to protect our institutions, and make them as light as possible. I might give you a great deal of trouble; I have the power, but I make it a point to consider men in your case, and we'll make you so comfortable that you won't think of being imprisoned. You must understand that it is *contrary to law* to come among our niggers in this way; it gives them fanciful ideas. There's such an infernal imperfect state of things as these abolitionists are getting everything into, behoves us to watch the communications which are going on between designing people and our slaves. We are a *hospitable people*—the world knows that—and have a religious respect for our laws, which we enforce without respect to persons. We'd like to let you go about the city, but then it's *contrary to law;* and our maxims are so strongly fixed that it would violate our principles of government, which have now become so essential to the protection of our peculiar institution, that the least variation would be dangerous, and lead to a multitude of difficulties. Nor can we allow any interpositions to favour circumstances, because it would be against the popular will of our people, and stir up that excitement which is already on the bursting point against

the British consul. I don't like Englishmen much; but if they were all like the editor of the London *Times*, who seems to know a right smart thing or two about our niggers, they wouldn't be trying to emancipate our niggers. But he don't know as much as he thinks he does about niggers, and could larn a good deal by coming over here for a year or two.

"Our system of law is sustained by faith and moral integrity. We admit no fictitious theories; give every man his meed of justice, without being moved by every prejudice and fancy of the human mind. We yield to no passions, nor allow ourselves to be moved by Northern fanatics and traitors, who are trying to distract the country."

The restraints of injustice overwhelmed Manuel; and in the conflict of his feeling, and the stronger resolutions of his mind, a tear trickled down his cheek, telling the tale that his lips dare not, nor that his hands could not avenge. He wiped it away with his fettered hands, and his manly features again awoke with resolution; and as he looked above the mendicants that surrounded him, the olive hues of his countenance assumed a look of scorn. "Am I in a land of liberty without freedom?" he asked, looking upon his accusers.

"Make up your mind, my good fellow, that you are among humane people, who will seek to benefit you among men of your class. Make yourself happy, and look upon me as a friend, and you will never be deceived. I control the jail, and my prisoners are as much attached to me as they would be to a father."

"It must be humanity that puts these symbols of ignominy upon my hands,' said Manuel; "that confines

me in a dungeon lest I should breathe a word of liberty to ears that know it only as a fable."

Nobody had asked him to sit down, and, feeling the effect of his sickness and fatigue, he turned around as if to look for something to rest against. "You must not sit down—take off your hat!" said Grimshaw.

The poor fellow made an effort, but could not effect it with the fetters on his hands; at which Dunn stepped up, and, snatching it from his head, flung it upon the floor. "You should learn manners, my good fellow," said Grimshaw, "when you come into a sheriff's office. It's a place of importance, and people always pay respect to it when they come into it; a few months in Charleston would make you as polite as our niggers."

"Had you not better take the irons off the poor fellow's hands?—he looks as if he was tired out," said Mr. Kanapeaux, the clerk, who again came to the door and looked upon Manuel with an air of pity. The words of sympathy touched his feelings deeply; it was a simple word in his favour, so different from what he had met since he left the vessel, that he felt a kind friend had spoken in his behalf, and he gave way to his feeling in a gush of tears.

"Good suggestion, Mr. Kanapeaux!" said Grimshaw. "Better take 'em off, Mr. Dunn; I don't think he'll give you any more difficulty. He seems like a *likely fellow*, and knows, if he cuts up any nigger rascality in Charleston, he'll be snapped up. Now, my good fellow, put on your best-natured countenance, and stand as straight as a ramrod. Mr. Kanapeaux, get your book ready to register him," continued Grimshaw.

Manuel now stood up under a slide, and his height and general features were noted in the following manner, in

order to appease that sovereign dignity of South Carolina law, which has so many strange devices to show its importance :—

"*Contrary to Law.*

Violation of the Act of 1821, as amended, &c. &c.
Manuel Pereira *v.* State of South Carolina,
Steward
on board British Brig *Janson,* Captain Thompson.
Entered 24th March, 1852.

Height, 5 feet 8½ inches.

Complexion, light olive (bright).

Features, sharp and aquiline.

[Hair and eyes, dark and straight ; the former inclined to curl.]

General remarks :—Age, twenty-nine ; Portuguese by birth : speaks rather broken, but politely ; is intelligent, well formed, and good-looking.

Fees to Sheriff :

To arrest, dols. 2—Registry, dols. 2	4 00	dols.
" Recog., dol. 1.31—Constable, dol. 1 . . .	2 31	,,
" Commitment and discharge	1 00	,,
	7 31	dols.

Jail-fees to be added when discharged."

After these remarks were duly entered, and Mr. Grimshaw read another lecture to him on the importance of South Carolina law, and the kindness he would receive at his hands if he made himself contented, he was told that he could go and be committed. The poor fellow had stood up until he was nearly exhausted ; yet it was not enough to gratify the feelings of that miserable miscreant, Dunn. Scarcely had he left the sheriff's office, or

passed two squares from the court-house, before he entered another Dutch grog-shop, a little more respectable in appearance, but not in character. They entered by a side door, which led into a back apartment provided with a table and two wooden settees. As Dunn entered, he was recognised by two negro-fellows, who were playing dominoes at the table. They arose, and ran through the front store into the street, as if some evil spirit had descended among them. The Dutchman sprang for the dominoes, and quickly thrust them into a tin measure, which he secreted under the counter.

"Ah, Drydez!" said Dunn; "you vagabond, you! up to the old tricks again? Ye Dutchmen are worse than the divil! It's meself'll make ye put a *five* for that. Come, fork it over straight, and don't be muttering yer Dutch lingo!"

"Vat zue drink mit me dis morning? Misser Dunz' te best fellow vat comez in my shop," said Drydez.

"Ah! stop yer botheration, and don't be comin' yer Dutch logger over an Irishman! Put down the five dollars, and we'll take the drinks presently. Meself and me friend here'll drink yer health," said Dunn, pointing to Manuel, who shook his head as much as to decline. The Dutchman now opened his drawer, and, rolling a bill up in his fingers, passed it as if unobserved into the hands of Dunn.

"Now, Drydez," said Dunn, "if ye want to do the clean thing, put a couple of brandy-smashes—none of your d—d Dutch cut-throat brandy—the best old stuff. Come, me old chuck (turning to Manuel, and pulling him by the whiskers), cheer up; another good stiff'ner will put you on your taps again. South Carolina's a great State;

and a man what can't be happy in Charleston ought to be put through by daylight by the abolitionists."

The Dutchman soon prepared the smashes, and, supplying them with straws, put them upon the table, and seated chairs close at hand. "Excuse me!" said Manuel, "I've drunk enough already, and should like to lie down. I am unwell, and feel the effect of what I have already taken. I am too feeble. Pray tell me how far the prison is from here, and I will go myself."

"Go, is it?—the divil a go ye'll go from this until ye drink the smash. None of yer Portugee independence here. We larn niggers the politeness of gintlemen in Charleston, me buck!" and, seizing him by the collar, dragged him to the table; then grasping the tumbler with the other hand, he held it before his face. "Do you see that? and, bedad, ye'll drink it, and not be foolin', or I'd put the contents in your phiz!" said he.

Manuel took the glass, while the Dutchman stood chuckling over the very nice piece of fun, and the spice of Mr. Dunn's wit, as he called it. "Vat, zu make him vat 'e no vants to? You doz make me laugh so ven zu comes 'ere, I likes to kilt myself," said Drydez.

A bright mulatto-fellow was now seen in the front store, making quizzical signs to the Dutchman, who, understanding its signification, lost no time in slipping into his pocket a tumbler nearly half full of brandy and water; and, stepping behind the division door, passed it slily to the mulatto, who equally as slily passed it down his throat; and, putting a piece of money into the Dutchman's hand, stepped up to the counter as if to wait for his change. "All right!" said the Dutchman, looking around at his shelves, and then again under the counter.

"No so!" said the mulatto. "I want fourpence; you done dat befor' several times; I wants my money."

"Get out of my store, or I'll kick you out!" said the Dutchman; and, catching up a big club, ran from behind the counter, and commenced belabouring the negro over the head in a most unmerciful manner. At this, the mulatto retreated into the lane, and with a volley of the vilest epithets dared the Dutchman to come out, and he would whip him.

Dunn ran to the scene, and ordered the negro to be off, and not use such language to a white man, that it was "*contrary to law*," and he would take him to the work-house.

"Why, massa, I knows what 'em respect white men what be gemmen like yersef, but dat Dutchman stand dah an't no gentlem', he done gone tieffe my money seven time; an' I whip him sure—jus' lef him come out here. I doesn't care, for true, and God saw me, I be whip at the wukhouse next minute. He tief, an' lie, an' he cheat me." The Dutchman stood at the door with the big stick in his hand—the negro in the middle of the lane, with his fists in a pugilistic attitude, daring and threatening—while the limping Dunn stood by the side of the Dutchman, acting as a mediator. Manuel, taking advantage of the opportunity, emptied his tumbler down a large opening in the floor.

It is a notorious fact in Charleston, that, although the negro, whether he be a black or white one, is held in abject obedience to the *white man proper*, no matter what his grade may be, yet such is the covetous and condescending character of these groggery-keepers that they become courteous to the negro, and submit to an equality

of sociability. The negro, taking advantage of this familiarity, will use the most insulting and abusive language to this class of Dutchmen, who, either through cowardice or fear of losing their trade, never resent it. We may say, in the language of Dunn, when he was asked if negroes had such liberties with white men in Charleston, "A nigger knows a Dutch shopkeeper better than he knows himself—a nigger dare not speak that way to anybody else."

The Dutchman gets a double profit from the negro, and with it diffuses a double vice among them, for which they have to suffer the severest penalty. It is strictly "contrary to law" to purchase anything from a negro without a ticket to sell it from his master. But how is this regarded? Why, the shopkeeper foregoes the ticket, encourages the warehouse-negro to steal, and purchases his stealings indiscriminately, at about one-half their value. We might enumerate fifty different modes practised by "*good*" legal-voting citizens, totally regardless of the law, and exerting an influence upon the negro tenfold more direful than that which could possibly arise from the conversation of a few respectable men belonging to a friendly nation.

Dunn, after driving the mulatto man from the door, and upbraiding the Dutchman for his cowardice, returned to the table, and, patting Manuel upon the back, drank the balance of his smash, saying, "Come, my good fellow, we must do the thing up brown, now—we've got the Dutchman nailed on his own hook! We must have another horn; it's just the stuff in our climate. The 'Old Jug's' close by, and they'll be makin' a parson of you when you get there. We've had a right jolly time,

and ye can't wet your whistle when ye're fernint the gates."

"I don't ask such favours, and will drink no more," said Manuel.

"Fill her up, Drydez! fill her up! two more smashes—best brandy and no mistake. You must drink another, my old chuck,—we'll bring the pious notions out o' ye in Charleston," said Dunn, turning around to Manuel.

The Dutchman filled the glasses, and Dunn, laying his big hickory stick upon the counter, took one in each hand, and going directly to Manuel, "There, take it, and drink her off—no humbugging; yer mother niver gave such milk as that," said he.

"Excuse me, sir; I positively will not!" said Manuel; and no sooner had he lisped the words than Dunn threw the whole contents in his face. Enraged at such outrageous conduct, the poor fellow could stand it no longer, and fetched him a blow that levelled him upon the floor.

The Dutchman ran to the assistance of Dunn, and succeeded in relieving him from his unenviable situation. Not satisfied, however, they succeeded, after a hard struggle, in getting him upon the floor; when the Dutchman, after calling the assistance of a miserable negro, held him down while Dunn beat him with his stick. His cries of "Murder" and "Help" resounded throughout the neighbourhood, and, notwithstanding they attempted to gag him, brought several persons to the spot. Among them was a well-known master-builder in Charleston—a very muscular and a very humane man. The rascality of Dunn was no new thing to him, for he had had practical demonstrations of it upon his own negroes, who had been enticed into the "*corner-shops*"

for the double purpose of the Dutchmen getting their money, and the officers getting hush-money from the owner.

The moment he saw Dunn, he exclaimed, "Ah, you vagabond!" and, springing with the nimbleness of a cat, struck the Dutchman a blow that sent him measuring his length into a corner among a lot of empty boxes; then, seizing Dunn by the collar, he shook him like a puppy, and brought him a slap with his open hand that double-dyed his red face, and brought a stream of claret from his nose; while the miserable nigger, who had been struggling to hold Manuel down, let go his hold, and ran as if his life was in danger. The scene was disgusting in the extreme. Manuel arose, with his face cut in several places, his clothes bedaubed with filth from the floor, and his neck and shirt-bosom covered with blood; while the aghast features of Dunn, with his red, matted hair, and his glaring, vicious eyes, bespattered with the combined blood of his victim and his own nasal organ, gave him the most fiendish look imaginable.

The gentleman, after reprimanding the Dutchman for keeping up these miserable practices, which were disgracing the community, and bringing suffering, starvation, and death upon the slaves, turned to Dunn, and addressed him. "You are a pretty officer of the law! A villain upon the highway—a disgrace to your colour, and a stain upon those who retain you in office! A man who has violated the peace and every principle of honest duty—a man who every day merits the worst criminal punishment, kept in the favour of the municipal department to pollute its very name! If there is a spark of honesty left in the police-department, I will use my influence to

stop your conduct. The gallows will be your doom yet. You must not think because you are leagued in the same traffic,* that you are to go unpunished. And you, Drydez," said he, turning to the Dutchman, "I shall enter you upon the information-docket, as soon as I go down into the city."

"Zeu may tu vat zeu plas mit me—te mayor bees my friend, an' he knowz vot me ams. Yuz sees zel no bronty, no zin! Vot yu to mit de fine, eh?"

"I'd like to see you do that same agin, Mr. ——. It wouldn't be savin' yerself a pace-warrant, and another for assault and battery! Sure, Magistrate Gyles is a first-rate friend of me own, and he'd not suffer me imposed on. The d—d nigger was obstinate and wouldn't go to jail," said Dunn in a cowardly, whimpering manner.

"Oh, yez, me heard mit 'im swore vat he no go to zale!" rejoined the Dutchman anxiously.

"Tell me none of your lies," said he; "you are both the biggest rascals in town, and carry on your concerted villany as boldly as if you had the control of the city in your hands." Manuel was trembling under the emotions of grief and revenge. His Portuguese blood would have revenged itself at the poniard's point; but, fortunately, he

* Dunn kept one of the worst and most notorious drinking-shops in Charleston; but, to reconcile his office with that strict requirement which never allowed anything "*contrary to law*" in Charleston, he made his wife a "*free-trader*." This special act of South Carolina may, in effect, be classed among its many singular laws. It has an exceedingly accommodating effect among bankrupt husbands, and acts as a masked battery for innumerable sins *in a business or official line*. It so happens, *once in a while*, that one of the "*fair free dealers*" gets into limbo through the force of some ruthless creditor; and the "Prison Bounds' Act," being very delicate in its bearings, frequently taxes the gallantry of the chivalrous gentlemen of the Charleston bar.

had left it in his chest. He saw that he had a friend at his hand, and, with the earnestness of a child, resigned himself to his charge.

In a few minutes quiet was produced; and the gentleman, expressing a desire to know how the trouble originated, inquired of Manuel how it was brought about. But no sooner had he commenced his story than he was interrupted by Dunn asserting his right, according to the laws of South Carolina, to make his declaration, which could not be refuted by the negro's statement, or even testimony at law; and in another moment jumped up, and, taking Manuel by the collar, commanded him to come along to jail; and, turning to the gentleman, dared him to interfere with his duty.

"I know how you take people to jail, very well. I'll now see that you perform that duty properly, and not torture prisoners from place to place before you get there. You inflict a worse punishment in taking poor, helpless people to jail than they suffer after they get there!" said he; and immediately joined Manuel and walked to the jail with him.

CHAPTER XII.

THE OLD JAIL.

THERE are three institutions in Charleston—either of which would be a stain upon the name of civilisation—standing as emblems of the time-established notions of a people, and their cherished love for the ancestral relics of a by-gone age. Nothing could point with more unerring aim than these sombre monuments do, to the distance behind the age that marks the thoughts and actions of the Charlestonians. They are the poor-house, hospital, and jail; but as the latter only pertains to our present subject, we prefer to speak of it alone, and leave the others for another occasion. The workhouse may be said to form an exception—that being a new building, recently erected upon a European plan. It is very spacious, with an extravagant exterior, surmounted by lofty semi-Gothic watch-towers, similar to the old castles upon the Rhine. So great was the opposition to building this magnificent temple of a workhouse, and so inconsistent, beyond the progress of the age, was it viewed by the *manifest ancestry*, that it caused the mayor his defeat at the following hustings. *Young Charleston* was rebuked for its daring progress, and the building is marked by the singular cognomen of "Hutchinson's Folly." What is somewhat singular, this magnificent building is exclusively for negroes. One fact will show how progressive has been

the science of law to govern the negro, while those to which the white man is subjected are such as good old England conferred upon them some centuries ago. For felonious and burglarious offences, a white man is confined in the common jail; then dragged to the market-place, stripped, and whipped, that the negroes may laugh "*and go see buckra catch it;*" while a negro is sent to the work-house, confined in his cell for a length of time, and then whipped according to modern science, but nobody sees it *except* by special permission. Thus the negro has the advantage of science and privacy.

The jail is a sombre-looking building, with every mark of antiquity standing boldly outlined upon its exterior. It is surrounded by a high brick-wall, and its windows are grated with double rows of bars, sufficiently strong for a modern penitentiary. Altogether, its dark, gloomy appearance strikes those who approach it with the thought and association of some ancient cruelty. You enter through an iron-barred door; and on both sides of a narrow portal leading to the right are four small cells and a filthy-looking kitchen, resembling an old-fashioned smoke-house. These cells are the 'debtors'; and as we were passing out, after visiting a friend, a lame "mulatto-fellow," with scarcely rags to cover his nakedness, and filthy beyond description, stood at what was called the *kitchen-door*. "That poor dejected object," said our friend, "is the cook. He is in for misdemeanour—one of the peculiar shades of it for which a nigger is honoured with the jail." "It seems, then, that cooking is a punishment in Charleston, and the negro is undergoing the penalty," said we. "Yes!" said our friend; "but the poor fellow has a sovereign consolation, which few niggers

in Charleston can boast of, and none of the prisoners here have: he can get enough to eat."

The poor fellow held out his hand as we passed him, and said, "Massa, gin poor Abe a piece o' 'bacca!" We freely gave him all in our possession.

On the left side, after passing the main iron door, are the jailer's apartments. Passing through another iron door, you ascend a narrow, crooked stairs, and reach the second storey; here are some eight or nine miserable cells —some large and some small—badly ventilated, and entirely destitute of any kind of furniture; and if they are badly ventilated for summer, they are equally badly provided with means to warm them in winter. In one of these rooms were nine or ten persons, when we visited it; and such was the morbid stench escaping from it, that we were compelled to put our handkerchiefs to our faces. This floor is appropriated for such crimes as assault and battery; assault and battery with intent to kill; refractory seamen; deserters; violating the statutes; suspicion of arson and murder; *witnesses*: all sorts of crimes, varying from the debtor to the positive murderer, burglar, and felon. We should have enumerated, among the rest, all stewards (coloured), whether foreign or domestic, who are committed on that singular charge, "*contrary to law.*" And it should have been added, *even though cast away upon our "hospitable shores.*" Among all these different shades of criminals, there must be some very bad men; and we could recount three who were pointed out to us as very dangerous men, yet were allowed the favour of this floor and its associations. One was an Irish sailor, who was sentenced to three years and nine months' imprisonment by the United

States' court, for revolt and a desperate attempt to murder the captain of a ship; the next was a German, a soldier in the United States' army, sentenced to one year and eight months' imprisonment for killing his comrade; and the third was an English sailor, who *killed a woman;* but as she happened to be of doubtful character, the presiding judge of the sessions sentenced him to a *light* imprisonment, which the Governor very condescendingly pardoned after a few weeks.

The two former acted as attendants or deputy jailers; with the exception of turning the key, which privilege the jailer reserved for himself exclusively. The principle may seem a strange one, that places men confined upon such grave charges in a superior position over prisoners; and may be questionable with regard to the discipline itself.

From this floor, another iron door opened, and a winding passage led into the third and upper storey, where a third iron door opened into a vestibule, on the right and left of which were grated doors secured with heavy bolts and bars. These opened into narrow portals, with dark, gloomy cells on each side. In the floor of each of these cells was a large iron ring-bolt, doubtless intended to chain refractory prisoners to; but we were informed that such prisoners were kept in close stone cells, in the yard, which were commonly occupied by negroes and those condemned to capital punishment. The ominous name of this third storey was "Mount Rascal," intended, no doubt, as significant of the class of prisoners it contained. It is said that genius is never idle; the floor of these cells bore some evidence of the fact in a variety of very fine specimens of carving

and flourish work, done with a knife. Among them was a well-executed crucifix, with the Redeemer, on Calvary—an emblem of hope, showing how the man marked the weary moments of his durance. We spoke with many of the prisoners, and heard their different stories, some of which were really painful. Their crimes were variously stated, from that of murder, arson, and picking pockets, down to the felon who had stolen a pair of shoes to cover his feet; one had stolen a pair of pantaloons, and a little boy had stolen a few door-keys. Three boys were undergoing their sentence for murder. A man of genteel appearance, who had been sentenced to three years' imprisonment, and to receive two hundred and twenty lashes in the market, at different periods, complained bitterly of the injustice of his case. Some had been flogged in the market, and were awaiting their time to be flogged again and discharged; and others were confined on suspicion, and had been kept in this close durance for more than six months, awaiting trial. We noticed that this worst of injustice, "the law's delay," was felt worse by those confined on the suspicion of some paltry theft, who, even were they found guilty by a jury, would not have been subjected to more than one week's imprisonment. Yet such was the adherence to that ancient system of English criminal jurisprudence, that it was impossible for the most innocent person to get a hearing, except at the regular sessions, "which sit seldom, and with large intervals between." There is, indeed, a city court in Charleston, somewhat more modern in its jurisprudence than the sessions. It has its city sheriff, and its city officers, and holds its terms more frequently. Thus is

Charleston doubly provided with sheriffs and officials. Both aspire to a distinct jurisdiction in civil and criminal cases. Prisoners seem mere shuttlecocks between the sheriffs, with a decided advantage in favour of the county sheriff, who is autocrat *in rei* over the jail; and any criminal who has the good fortune to get a hearing before the city judge may consider himself under special obligation to the county sheriff for the *favour*.

We noticed these cells were much cleaner than those below, yet there was a fetid smell escaping from them. This we found arose from the tubs being allowed to stand in the rooms, where the criminals were closely confined, for twenty-four hours, which, with the action of the damp, heated atmosphere of that climate, was of itself enough to breed contagion. We spoke of the want of ventilation, and the noxious fumes that seemed almost pestilential; but they seemed to have become habituated to it, and told us that the rooms on the south side were lighter and more comfortable. Many of them spoke cheerfully, and endeavoured to restrain their feelings; but the furrows upon their haggard countenances needed no tongue to utter its tale.

Hunger was the great grievance of which they complained; and if their stories were true—and we afterward had *strong proofs* that they were—there was a wanton disregard of common humanity, and an abuse of power the most reprehensible. The allowance per day was a loaf of bad bread, weighing about nine ounces, and a pint of thin, repulsive soup, so nauseous that only the most necessitated appetite could be forced to receive it, merely to sustain animal life. This was served in a dirty-

looking tin pan, without even a spoon, to serve it. One man told us that he had subsisted on bread and water for nearly five weeks—that he had lain down to sleep in the afternoon, and dreamed that he was devouring some wholesome nourishment to stay the cravings of his appetite, and awoke to grieve that it was but a dream. In this manner his appetite was doubly aggravated; yet he could get nothing to appease its wants until the next morning. To add to this cruelty, we found two men in close confinement, the most emaciated and abject specimens of humanity we have ever beheld. We asked ourselves, "Lord God! was it to be that humanity should descend so low?" The first was a forlorn, dejected-looking creature, with a downcast countenance, containing little of the human to mark his features. His face was covered with hair, and so completely matted with dirt, and made fiendish by the tufts of coarse hair that hung over his forehead, that a thrill of horror invaded our feelings. He had no shoes on his feet; and a pair of ragged pantaloons, and the shreds of a striped shirt without sleeves, secured around the waist with a string, made his only clothing. In truth, he had scarce enough to cover his nakedness, and that so filthy and swarming with vermin that he kept his shoulders and hands busily employed; while his skin was so incrusted with dirt as to leave no trace of its original complexion. In this manner he was kept closely confined, and was more like a wild beast who saw none but his keepers when they came to throw him his feed. Whether he was kept in this manner for his dark deeds, or to cover the shame of those who speculated upon his misery, we leave to the judgment of the reader.

We asked this poor mortal what he had done to merit such a punishment? He held his head down, and motioned his fevered lips. "Speak out!" said we; "perhaps we can get you out." "I had no shoes, and I took a pair of boots from the gentleman I worked with," said he in a low, murmuring tone.

"Gracious, man!" said we, "a pair of boots? And is that all you are here for?"

"Yes, sir! He lives on the wharf, is very wealthy, and is a good man; 'twasn't his fault, because he tried to get me out if I'd pay for the boots, but they wouldn't let him."

"And how long have you been thus confined?" said we.

"Better than five months; but it's because there an't room up stairs. They've been promising me some clothes for a long time, but they don't come," he continued.

"And how much longer have you to stop in this condition?"

"Well, they say 'at court sets in October; it's somethin' like two months off. The grand jury 'll visit the jail then, and maybe they'll find a bill against me, and I'll be tried. I don't care if they only don't flog me in that fish-market."

"Then you have not been tried yet! Well, may God give that man peace to enjoy his bounty, who would consign a poor object like thee to such cruelty!" said we.

"I was raised in Charleston—can neither read nor write; I have no father, and my mother is crazy in the poor-house, and I work about the city for a living, when I'm out!" said he. There was food for reflection in this poor fellow's simple story, which we found to be correct, as corroborated by the jailer.

"Do you get enough to eat?" we asked.

"Oh, no, indeed! I could eat twice as much. That's the worst on't; 'twouldn't be bad only for that. I git me loaf in the mornin', and me soup at twelve; but I don't git nothin' to eat at night, and a feller's mighty hungry afore it's time to lay down," said he.

We looked around the room, and, not seeing anything to sleep upon, curiosity led us to ask him where he slept.

"The jail allows us a blanket—that's mine in the corner; I spread it at night when I wants to go to bed," he answered, quite contentedly. We left the poor wretch, for our feelings could withstand it no longer. The state of society that would thus reduce a human being needed more pity than the calloused bones reduced to such a bed. His name was Bergen.

The other was a young Irishman, who had been dragged to jail in his shirt, pantaloons, and hat, on suspicion of having stolen seven dollars from a comrade. He had been in jail very near four months, and in regard to filth and vermin was a counterpart of the other. A death-like smell, so offensive that we stopped upon the threshold, escaped from the room as soon as the door opened, enough to destroy a common constitution, which his emaciated limbs bore the strongest evidence of.

The prisoners upon the second storey were allowed the privilege of the yard during certain hours in the day, and the debtors at all hours in the day; yet all were subjected to the same fare. In the yard were a number of very close cells, which, as we have said before, were kept for negroes, refractory criminals, and those condemned to capital punishment. These cells seemed to be held as a terror over the criminals, and well they might;

for we never witnessed anything more dismal for the tenement of man.

There are so many things standing in mournful opposition, at the South, to that ever-vaunted saying which has even become established as truth, in the feelings of those not practically acquainted with Southern character ("We are a hospitable people"), that we have been at a loss to know from what it springs, and question its reality, upon fact. When there is no collateral substance to confirm the assertions of a people that they are generous, it needs no extraordinary expansion of thought to discover that it is merely a fine-spun fallacy, giving to preliminary show an assumption which the close observer finds sufficient masked evidence to reject. The correct observer wants the substantial; he does not stop and write upon the flattery that is heaped upon him, but through it; and while he discards the specious pretence, he will search for the verifying hypothesis. Men who struggle with delicate metaphysical reasoning, and protect themselves by it, in order to dissever those who are near akin to them by blood, and send them to live out a miserable existence in the mystery of slave philosophy, cannot prove their generosity and hospitality before the civilised world. New England is generous, but her generosity is clothed in simple modesty. The South grasps, oppresses, and neglects the first offspring of generous nature; and yet she boasts generosity with ostentation, lest the world should think her unjust, or doubt her ennobling qualities of slavery. We have witnessed this in its manifold workings, and speak from experience.

CHAPTER XIII.

HOW IT IS.

It is our object to show the reader how many gross abuses of power exist in Charleston, and to point him to the source. In doing this, the task becomes a delicate one, for there are so many things we could wish were not so, because we know there are many good men in the community whose feelings are enlisted in the right; but their power is not coequal; and if it were, it is checked by an opposite influence.

The Southerner tells us these are not abuses, that they are merely common-place evils, which you soon become accustomed to, and will look upon them as he does, with a sort of pleasure; and he laughs at you immeasurably if you pretend to sympathise with a negro—tells you a "nigger is only a nigger," intended to be used by the white man as a mere thing for his use, pleasure, and emolument.

We attribute these abuses, and the want of correction, to that anxiety and excitement which absorbs the attention of Southerners in the political government of an institution that has now become dangerous to the peace of the State. They seem careless in the grossest wrongs, and leave destructive evils untouched, falsely considering them of minor importance. Northerners, and even Englishmen, frequently become habituated to this indulgence of evils,

and not only follow in the Southerners' wake, but lead public opinion with more vigour than the Southerner. This is a source of much evil, and seems to make public opinion doubly corrupt. We cannot agree with this code of social government, nor can we accept the Southerners' excuse in this age of a free Republic. A community so tenacious of maintaining its high-sounding pretences must not leave the worst vestiges of a barbarous age standing in its midst, in practical force.

When time, and the progress of events, have forced no stimulant into the feelings of a people, for the purpose of elevating the condition of the lower classes, the mind is certain to be found merged in the preservation of some abstract and superficial form of government which is dangerous. This is shown in almost every walk of life in Charleston, where the people seem to forget those small fractions of political economy, which, acting upon the working mass, conserves its power, and nurtures it into the faith and strength of government. They have lost sight of a general justice, and are continually reasoning upon the right of liberty, while leaving the true exercise of it untouched. They tell you of great principles, and recount the theories that have been laid down since the time of Moses; and yet their arguments all merge into *primary* benefits. They war with the Federal Government, and they war with England, because, *the State holds*, they interfere with her "first principles," without which it would be impossible to protect themselves against what they style unconstitutional encroachments. Secondary minds follow in the same wake, instead of forming their opinions upon research or principle. If this class sought its own interest, it would found a conservative medium to correct abuses,

and hold in check that power which has held back the interests of a State through its ultraism.

The more intelligent of the lower classes look upon the subject of politics in its proper light—they see the crushing effect the doctrine of nullification has upon their interests; yet, though their numbers are not few, their voice is small, and cannot sound through the channels that make popular influence. Thus all *castes* of society are governed by impracticable abstractions.

The jail belongs to the county—the municipal authorities have no voice in it; and the State, in its legislative benevolence, has provided thirty cents a day for the maintenance of each prisoner. This small sum, in the State of South Carolina, where provision is extremely high, may be considered as a paltry pittance; but more especially so when the magnificent pretensions of South Carolina are taken into consideration. and a comparison is made between this meagre allowance and that of other States. Even Georgia, her sister State, and one whose plain modesty is really worthy of her enterprising citizens, takes a more enlightened view of a criminal's circumstances—allows forty-four cents a day for his maintenance, and treats him as if he was really a human being. But for this disparity and the wanton neglect of humane feelings South Carolinians excuse themselves upon the ground that they have no penitentiary; nor do they believe in that system of punishment. contending that it creates an improper competition with the honest mechanic, and gives countenance to crime, because it attempts to improve criminals. The common jail is made the place of confinement, while the whipping-post and starvation supplies the correctives.

The sheriff being created an absolute functionary, with unlimited powers to control the jail in all its varied functions, without either commissioners or jail-committee, what state of management may be expected? The court gives no specific direction as to the apartment or mode of confinement when sentencing a criminal; consequently, it becomes an established fact that the legislative confidence reposed in the sheriff is used as a medium of favours, to be dispensed as best suits the feelings or interests of the incumbent. Such power in the hands of an arbitrary, vindictive, or avaricious man, affords unlimited means of abuse, and without fear of exposure.

It may be inferred from what we have said that the jailer was relax in his duty. This is not the case; for we have good authority that a more kind-hearted and benevolent man never filled the office. But his power was so restricted by those in absolute control, that his office became a mere turnkey's duty, for which he was paid the pittance of five hundred dollars a-year, or thereabouts. Thus, he discharged his duty according to the instructions of the sheriff, who, it is well known, looked upon the jail as a means of speculation; and, in carrying out his purposes, he would give very benevolent instructions in words, and at the same time withhold the means of carrying them out, like the very good man who always preached, but never practised.

Now, how is it? What is the regimen of this jail-prison, and how is it provided? We will say nothing of that arduous duty which the jailer performs for his small sum, nor the report that the sheriff's office is worth fourteen thousand dollars a-year: these things are too well established. But the law provides thirty cents a day for

the prisoner's maintenance, which shall be received by the sheriff, who is to procure one pound of good bread, and one pound of good beef per day for each man. Now, this provision is capable of a very elastic construction. The poor criminal is given a loaf of bad bread, costing about three cents, and a pound of meat, the most unwholesome and sickly in its appearance, costing five cents. Allowing a margin, however, and we may say the incumbent has a very nice profit of from eighteen to twenty cents per day on each prisoner. But as no provision is made against the possibility of the criminal eating his meat raw, he is very delicately forced to an alternative which has another profitable issue for the sheriff: that of taking a pint of diluted water, very improperly called soup. Thus is carried out that ancient law of England which even she is now ashamed to own. Our feelings are naturally roused against the perpetration of such abuses upon suffering humanity. We struggle between a wish to speak well of her whose power it is to practise them, and an imperative duty that commands us to speak for those who cannot speak for themselves.

These things could not exist if the public mind was properly enlightened. It is unnecessary to spend many words in exposing such palpable abuses, or to trace the cause of their existence and continuance.

One cause of this is the wilful blindness and silly gasconade of some of those who lead and form public opinion. With South Carolinians, nothing is done in South Carolina that is not greater than ever was done in the United States. No battles were ever fought that South Carolina did not win; no statesman was ever equal to Mr. Calhoun; no confederacy would be equal to the Southern, with

South Carolina at its head; no political doctrines contain so much vital element as secession, and no society in the Union is equal to South Carolina for caste and elegance, not excepting the worthy and learned aristocracy of Boston.

A will to do as it pleases and act as it pleases, without national restraint, is the great drawback under which South Carolina sends forth her groaning tale of political distress. Let her look upon her dubious glory in its proper light; let her observe the rights of others, and found her acts in justice; annihilate her grasping spirit; and she will find a power adequate to her own preservation. She can then show to the world that she gives encouragement to the masses, and is determined to persevere in that moderate and forbearing policy which creates its own protection, merits admiration abroad, instead of rebuke, and which needs no gorgeous military display to marshal peace at the point of the bayonet.

If Southerners were less pains-taking in the preservation of slavery, it would strengthen their cause; they would act upon principle and not fear; they would respect the laws of other nations, and treat their citizens according to their rights of citizenship. Vain praise, to dazzle the good sense and discernment of strangers, would be unnecessary; nor would the sound of their high-blooded ancestry, their political rights, and their belly theologies, be so often called into requisition. Even their noisy, offensive, and felicitously-termed elegancies of caste, and valour born in the stock, would not be needed for strangers' ears. The Southerner invites you to his gaieties, and what sojourning scribblers have termed the hospitality of Southern life; but he seldom shows you the

dark side of the picture, or how a multitude live on small fare, while he reaps the bounties of their labour and revels in luxury.

To one who could join in all these gaieties, dissolute habits, and licentious revelries, the mirrors of mock hospitality, in which gay ladies give courtiers broad licence for their rudeness, and yet consider it the very soul of gentility, the scenes of Southern life would form a picture of pleasantry, and society would seem to live in the happiest enjoyments. But to one who considers the source from which they are derived, the thousands that suffer while these "gorgeous enjoyments" are being exhausted, and the difficulty of raising a small sum for an object of charity, their frailty is exposed. We contend that Southern hospitality is false material, based upon external show, maintained by strained effort, and continued to conceal the true nature of things. South Carolinians cling to every law that is oppressive, and have even become obnoxious to the other Southern States; they seem reared to a strange knowledge of themselves, and yet we never were among a people so destitute of practical knowledge, or the manner in which public affairs are conducted abroad. And yet they are the very people who boast of hospitality most, and set forth the largest pretence of freedom.

This freedom is a bad substrata of aristocratic democracy, ill at ease with itself, and without confidence in others. These things are in harmony with the state policy, and subsequently with that of the municipal authority, the effect of which we find to be a strong desire to preserve the prejudicial peculiarities of popular sentiment. They yield to excitements; and the person

who attempts to assume an independent position, and shake off those fatal restraints, consigns himself to a felon's abode. Nothing seems more uncongenial to their feelings than a spirit of rational independence—a spirit that would attempt to warn them of the real and imminent danger arising from their own acts. In over-estimating their moral courage, which consists of the bravado of speech, they forswear against practical results, and threaten a magnitude of desperate acts against the general welfare of the Union, without having substance to carry any of them out. These overt acts have consolidated themselves into a material enormity of legislative power, manifested in those outrageous acts of imprisoning the citizens of Great Britain and the Northern States, and setting the central powers of both Governments at defiance.

Let South Carolina view her policy upon principle, instead of speculation; let her condescend to inquire how far her limited means will support her in her extravagant position; and, if she have not over-estimated herself in her presumptuous resolving and re-resolving for the first position in the Southern confederacy, then let her rejoice that she is the brilliant power that her statesmen tell her she is. But she must remember that things primary to her are secondary to her sister States, and that they will not follow her cupidity. The seizing upon every pretext to enforce unjust laws, and adding espionage to nurture an institution that fears its own existence, is not only hazardous to those who have intercourse with the commerce of the state, but an inevitable proof of a weak Government, that would protect itself through violations of right. It further proves an

artificial system of society, contrary to natural law, and asserting an authority beyond constitutional or conventional grants; for what right have we to punish the innocent citizens of Great Britain for that over which they have no control, and who, by natural law and the constitution of their country, are entitled to the same privileges of liberty as the highest citizen? By these, to say the least, impolitic acts, South Carolinians not only make themselves the arbitrators of national law, but dictators, taxing the interests of those who reside in foreign countries, without a shadow of right; and thus trampling under-foot those great principles so clearly founded in natural law, which give to the common feelings of all men confidence in the administration of justice.

If an institution in one portion of a common country becomes repugnant to the people in another, the people where that institution exists may, at most, make municipal regulations to protect its existence; but where those regulations prejudice personal liberty, and involve general questions of federal rights and obligations, it should be extremely cautious. And when the great question of a foreign citizen arises, and one belonging to a Government so tenacious of the rights of its citizens as Great Britain, the extent of jurisdiction should be carefully considered, and no fear exhibited in bringing the question to a test upon the principles of common law and common justice.

Whatever they do, no matter how small and insignificant to the experienced eye, to them it is greater than is done elsewhere, and must be right, full of justice and liberty, because it was done by them. This may be seen by the manner in which they have secluded themselves

from all things that promote the welfare of the general government. Its attempts to violate its treaty faith with other governments add no little to prove the theory of their inconsistent proceedings. And all these unwarrantable proceedings hang upon the small hinge of slavery.

CHAPTER XIV.

MANUEL PEREIRA COMMITTED.

IT was nearly eleven o'clock as they ascended the jail-steps and rang the bell for admittance. The jailer, a stout, rough-looking man, opened the iron door, and, as Manuel was about to step over the stone sill, Dunn gave him a sudden push that sent him headlong upon the floor. "Heavens! what now?" inquired the jailer with a look of astonishment, and at the next moment Dunn raised his foot to kick Manuel in the face.

"You infernal beast!" said the jailer, "you are more like a savage than a man! You are drunk now, you vagabond," and jumped in between them to save him from the effect of the blow. As he did this, the gentleman who accompanied them from the "corner shop," as a protection against Dunn's cruelty, fetched Dunn a blow on the back of the neck that made him stagger against a door, and created such confusion as to arouse the whole jail. Turning to Manuel, he, with the assistance of the jailer, raised him from the ground, and led him into the jail-office. "Mister Jailer," said Dunn, "the prisoner is mine until such times as you receipt the commitment, and I demand protection from you against this man. He has committed two violent assaults upon me, when I'd be doing me duty."

"You have violated all duty, and are more like an

incarnate fiend. You first decoy men into rum-shops, and then you plunder and abuse them, because you think they are black and can get no redress. You abused that man unmercifully, because you knew his evidence was not valid against you!" said the gentleman, turning to the jailer, and giving him the particulars of what he saw in the "corner shop," and what cruelties he had seen practised by Dunn on former occasions.

The jailer looked upon Manuel with commiseration, and handed him a chair to sit down on. The poor fellow was excited and fatigued, for he had eaten nothing that day, and been treated more like a brute than a human being from the time he left the ship until he arrived at the jail. He readily accepted the kind offer, and commenced to tell the story of his treatment.

"You need not tell me; I know too much of that man already. It has long been a mystery to me why he is retained in office—"

Here Dunn interrupted. "Sure, it's yer master I'd obey, and not yerself, an' I'd do what I'd plase with prisoners, and it's his business and not yeers. If ye had yer way, sure, you'd be makin' white men of every nigger that ye turned a key upon."

"Give me none of your insolence," said the jailer. "You have no authority beyond my door. Your brutal treatment to prisoners has caused me an immense deal of trouble—more than my paltry pay would induce me to stay for. Suppose you were indicted for these outrages; what would be the result?" asked the jailer.

"Sure, it's meself could answer for the sheriff, without yer bothering yerself. I'd not work for yer, but for him; and he's yer master anyhow, and knows all about it. Give

me the receipt, and that's all I'd ax yer. When a nigger don't mind me, I just makes him feel the delight of a hickory stick."

"Yes, if you had the shame of a man in you, you'd not make a beast of yourself with liquor, and treat these poor stewards as if they were dogs," said the jailer.

"Indeed, ye might learn a thing or two if ye was a politician like meself, and belonged to the secession party. An' if his honour the sheriff—for he's a dacent man—knew ye'd be preachin' in that shape, ye wouldn't keep the jail f'nent the morning. Be letting me out, and make much of the nigger; ye have him there."

The jailer unlocked the door, and allowed him to pass out, with a pertinent rebuke. This was but a trifling affair in Dunn's ear, for he knew his master's feelings too well, and was backed by him in his most intolerable proceedings. Returning to the office, he looked at the commitment, and then again at Manuel. "This is a 'contrary to law' case, I see, Mr. Manuel; you are a likely fellow, too, to come within that," said he.

"Yes, if I understand him right, he's a shipwrecked sailor, belonging to a foreign vessel that was driven in here in distress," said the man. "It's a hard law that imprisons a coloured seaman who comes here voluntarily; but it seems beyond all manner of precedent to imprison a shipwrecked man like this, especially when he seems so respectable. There are no circumstances to warrant the enforcement of such a law." Thus saying, he left the jail.

Be it said of the jailer, to his honour, so far as personal kindness went, he did his utmost—brought him water to wash himself, and gave him some clean clothes. After

which he was registered upon the criminal calendar as follows :—

"March 24, 1852.—Manuel Peirire.—[Committed by] Sheriff —— Sheriff. Crime—*Contrary to law.*"

Now the jailer had done his duty, so far as his feelings were concerned; but such were the stern requirements of the law, and his functions so restricted by Mr. Grimshaw, that he dare not make distinctions. He called Daley, one of the criminal assistants, and ordered him to show the prisoner his room.

"Here, my boy, take yer blanket," said Daley; and, throwing him a coarse, filthy-looking blanket, told him to roll it up and follow him. "It's on the second floor we'll put ye, among the stewards; there's a nice lot on 'em to keep yer company, and ye'll have a jolly time, my boy." Manuel followed through the second iron door until he came to a large door secured with heavy bolts and bars, which Daley began to withdraw and unlock. "Don't be takin' it amiss; it's a right good crib, savin' the bed, an' it's that's the worst of it. Bad luck to old Grimshaw, an' himself thinks everybody's bones be's as tuf as his own," said Daley, and threw open the heavy doors, sending forth those ominous prison sounds. "All here? Ah! yer a pretty set of lambs, as the British consul calls yees. Have ye ever a drop to spare?" At this, three or four respectable-looking black men came to the door and greeted Manuel. "Come, talk her out, for th' auld man'll be on the scent." At this, one of the confined stewards, a tall, good-looking mulatto man, ran his hand into a large opening in the wall, and drew forth a little soda-bottle filled with Monongahela whiskey. Without giving reasonable time for politeness, Daley

seized the bottle, and, putting it to his mouth, guaged about half its contents into his hominy depôt, smacked his lips, wiped his mouth with his cuff, and, passing the balance back, shut and rebolted the door, after saying, "Good luck till yees, an' I wish yees a merry time." The reader may imagine what provision the State or the sheriff had made for the comfort of these poor men—one of whom was imprisoned because it was "contrary to law" to be driven into the port of Charleston in distress, and the rest, peaceable, unoffending citizens belonging to distant States and countries, and guilty of no crime—when we describe the room and regimen to which they were subjected. The room was about twenty-six feet long and ten feet wide. The brick walls were plastered and coloured with some kind of blue wash, which, however, was so nearly obliterated with dirt and the damp of a southern climate as to leave but little to show what its original colour was. The walls were covered with the condensed moisture of the atmosphere, spiders hung their festooned network overhead, and cockroaches and ants—those domesticated pests of South Carolina—were running about the floor in swarms, and holding all legal rights to *rations* in superlative contempt. Two small apertures in the wall, about fourteen inches square, and double-barred with heavy flat iron, served to admit light and air. The reader may thus judge of its gloomy appearance, and what a miserable, unhealthy cell it must have been in which to place men just arrived from sea. There was not the least vestige of furniture in the room, not even a bench to sit upon; for the State, with its gracious hospitality, forgot that men in jail ever sit down: but it was in keeping with all other things that the State left to the control of its officials.

"Am I to be punished in this miserable place? Why, I cannot see where I'm going; and have I nothing to lay down upon but the floor, and that creeping with live creatures!" inquired Manuel of those who were already inured to the hardship.

"Nothing! nothing! Bring your mind to realise the worst, and forget the cruelty while you are suffering it; they let us out a part of the day. We are locked up to-day because one of the assistants stole my friend's liquor, and he dared to accuse him of the theft because he was a white man," said a tall, fine looking mulatto man by the name of James Redman, who was steward on board a Thomastown (Maine) ship, and declared that he had visited Charleston on a former occasion, and, by paying five dollars to one of the officers, remained on board of the ship unmolested.

"And how long shall I have to suffer in this manner?" inquired Manuel. "Can I not have my own bed and clothing?"

"Oh, yes," said Redman; "you can have them, but if you bring them here, they'll not be worth anything when you leave; and the prisoners upon this floor are so starved and destitute that necessity forces them to steal whatever comes in their way; and the assistants are as much implicated as the prisoners. You'll fare hard, but just do as we do in a calm: wait for the wind to blow, and pray for the best. If you say anything, or grumble about it, the sheriff will order you locked up on the third storey, and that's worse than death itself. The first thing you do, make preparations for something to eat. We pay for it here, but don't get it; and you'd starve afore you'd eat what they give them poor white

prisoners. They suffer worse than we do, only they have cleaner rooms."

"I pray for my deliverance from such a place as this. I'm not a slave—England will not let them make me one! Monarchy spreads its liberty there, and republicans may learn democracy from it. I have found a place where the flag of my country will not protect me now; but I will trust to it hereafter. Danger must be deep where liberty is not one's own; and the blood of men is bought and sold like trifles in a toy-shop," said he.

Manuel's misfortunes were *black*, consequently there was no sympathy for him in South Carolina; and his pleading the love of old England, which he claimed as his country, had about as much effect as a negro's imploring would have upon a master who was inflicting cruel punishment upon him. His good conduct, honesty, and slight tinge of colour, formed no exceptions to the general rule.

"But what is him all for?" he again inquired, with an air of surprise. "They must be strange people to fear me, when I can do no harm; yes, him more strange than Hottentot, for he share his tent with me, and give me to eat and drink."

His manners and appearance at once enlisted the respect of those present, and they immediately set to work with all the means at hand to make him comfortable. Joseph Jociquei, a young man who had been taken from a vessel just arrived from Rio, and was more fortunate than the rest in having a mattress, seeing Manuel's weak condition, immediately removed it from its place, and, spreading it upon the floor, invited him to lie down. The invitation was as acceptable as it was

kind on the part of Jociquei; and the poor fellow laid his weary limbs upon it, and almost simultaneously fell into a profound sleep.

Manuel continued to sleep. His face and head were scarred in several places, which were dressed and covered with pieces of plaster that the jailer had supplied. His companions—for such we shall call those who were confined with him—sat around him, discussing the circumstances that brought him there, and the manner in which they could best relieve his suffering. "It's just as I was sarved," said Redman; "and I'll bet that red-headed constable, Dunn, brought him up and abused him in all them Dutch shops. I didn't know the law, and he made me give him three dollars not to put the handcuffs upon me, and then I had to treat him in every grog-shop we came to. Yes, and the last shop we were in he throw'd liquor in me face, cursed the Dutchman that kept the shop, kicked me, and tried every way in the world to raise a fuss. If I hadn't know'd the law here too well, I'd whipt him sure. I have suffered the want of that three dollars since I bin here. 'Twould sarved me for coffee. We have neither coffee nor bread to-night, for we gave our allowance of bad bread to the white prisoners; but we must do something to make the poor fellow comfortable. I know the constable has kept him all day coming up, and he'll be hungry as soon as he awakes."

"What a picture of human charity—the offspring of the noble chivalry of great, generous, and hospitable South Carolina! He will find a good friend in his consul, but little friendship amongst those who talk it most. When slavery dies, man's love to man may flourish here,

and nature may not send forth her bounties and her free offerings in vain. Men will not then travel through the lanes of the city to peddle torture at a penny a pang; nor will the sound of its groans break upon our ears through their iron monitors, to startle us into terror," whispered Jociquei, as he laid his hand softly upon Manuel's wrist.

"Won't he receive his allowance to-day, like another prisoner?" inquired Copeland, a thick-set, well-formed, dark-skinned negro steward, who had formerly conducted a barber's shop in Fleet-street, Boston, but was now attached to the schooner *Oscar Jones*, Kellogg, master.

"Oh, no, sir," said Redman; "that's against the rules of the jail. Everything is done by rule here, even to paying for what we don't get, and starving the prisoners."

"I am no slave," continued Jociquei; "my colour would not challenge me as such. My father educated me for a higher purpose on earth. I love my God and my crucifix. I love the divine image of God's work. He has spread the path of man with his bounties, and given him the power of creative joy. The things of earth are his—his for the monarch and serf to embrace. He created it that men would be men among themselves, not that they would make bond-flesh of their kinsmen.

"But man! relentless man! that would enslave us all for gold, and thinks himself born to a nation's conquests in flesh, fears the whispering sound of his fellow-man's voice, lest it should ignite the match of some engulfing flame, to consume him in his own iniquity. How civilised in this century of things so great! A nation says it's free, and says it twice and thrice in praise and long-strained sentences, fearing the world should doubt its faith. And

yet, with faith as pure as those who sound those long and much-loved words, they send us to a prison—fearing the tints mere browned upon our skin—to waste in chains, and aggravate our souls upon the sight of iron bars and dark chasms, through which the twinkling light of heaven steals to cheer our hopes in him whose freedom's mocked by man. 'Tis but a faint light, shadowing divine meekness through the greatest of works; while man, in his ostentatious littleness, dreams himself into the opulence of power, making suppliant rulers disdain right and justice. God that loves—man that thanks him for his glory with one breath, stamps the seal of oppression, and sells his fellow-man with the next. Man's robes may be costly, and his fare sumptuous; but if his liberty is not his own, what is he? The depriver may tell him he is a man; but the longings of his heart condemn the assertion. Liberty! who that does not love it? A slave more, who feels the loss most. 'Tis like a gushing spring of limpid water, sending forth its crystal branches, that all may drink and be its husbandman. It is the vital fountain that gives to common life its shield and buckler; that makes it wayward in its progress, and reminds the poor and the ennobled that they may alike leave a name to their country," soliloquised Jociquei, still holding Manuel by the wrist.

"That would be very good in some parts of the world; but it won't go down in South Carolina. We don't pass for men here; we're only bits of property, valued according to our conditions, like good horses and mules. Lord, man! you've got to learn a good many things yet about what kind of animals we are here. They'll try you before a magistrates' court of two drunken magistrates,

and condemn you for witchcraft, if they hear you talk that way. Didn't you see that minister laugh right out the other day, and seemed so pleased when he was looking at us in the yard?" inquired Redman jocosely.

"Yes," returned Jociquei; "but what of that?"

"Enough! You would soon discover the extent of it if you were put up under the hammer and sold. Didn't you hear the jailer ask him as much?" continued Redman.

"I thought nothing of it, if I did; perhaps he was thinking of his sermon. Ministers are deep thinkers, and often very absent minded."

"True; this one must have been a deep thinker, for he replied that he was pleased to see such fine *property* as we were. The query of his amusement seemed solved to the jailer's mind; and he asked us to stand up in a row just as slaves do that are to be sold, but he didn't find us slaves at his bidding; so the minister had to gratify his feelings by looking at us sitting down and feeling the fat on our shoulders."

"I don't get the point yet," ejaculated Jociquei, rubbing his hands, and pulling the old cover over Manuel.

"I'll enlighten you!" rejoined Redman angrily. "You saw that short, thick-set man, with the very red face, strip that girl naked in the yard the other day, before a dozen of us, and two men that came to look at her. You saw him gank her mouth, pull her ears, work her jaws, sound her breast by striking her upon it several times, and then make her jump over a stick several times by 'touching her up' with his riding-whip?"

"Yes," replied Jociquei, "I saw that; but it was beneath an African's notice!"

"Ah! very well! But you must be enlightened upon the scholarship of the local slave business. You saw what fine amusement it was for them. Well, now, that gal belonged to the minister. He is determined to show the world that slavery is even a divine institution, by his moral precept of owning and speculating in them himself. He made a right smart profit of that gal; and they say that a young man bought her for a mistress. Do you comprehend?"

"Oh! yes, yes, yes! I see daylight through darkness. I wish I was a Hecate. What a dreadful bad book the Bible must be in the hands of such little ones! But you say they starve men and women here!" said Jociquei, seeming to wake up in astonishment.

"Yes; a man that don't come in before eleven o'clock gets no ration until the next morning. I know, because I had a fuss with the jailer about it, the first day I was brought in; but he gin me a loaf out of his own house. The old sheriff never allows anything done outside the rules, for he's tighter than a man-trap. 'Tain't what ye suffers in this cell, but it's what ye don't get to eat; and if that poor feller ain't got money, he wish himself alongside the caboose again 'fore he gets out."

The poor fellows were driven to the extreme of providing sustenance to sustain life. They mustered their little means together, and, by giving a sum to the sheriff's black boy (a man more intelligent, gentlemanly, and generous-hearted than his master), had a measure of coffee, sugar, and bread brought in. Necessity was the mother of invention with them, for they had procured a barrel for twenty-five cents, and made it supply the place of a table. With a few chips that

were brought to them by a kind-hearted coloured woman that did their washing, and bestowed many little acts of kindness, they made a fire, endured the annoyance of a dense smoke from the old fire-place, and prepared their little supper. As soon as it was upon the table, they awoke Manuel, and invited him to join in their humble fare. The poor fellow arose, and, looking around the gloomy, cavern-like place, heaved a deep sigh. "It's hard to be brought to this for nothing!" said he; "and my bones are so sore that I can scarcely move. I must see the captain and consul."

"That won't do any good; you might as well keep quiet and drink your coffee. A prisoner that says the least in this jail is best off," returned Redman.

Manuel took his bowl of coffee and a piece of bread, eating it with a good appetite, and asking what time they got breakfast. "It's the first time I was abused in a foreign country. I'm Portuguese, but a citizen of Great Britain, and got my protection. When it won't save me, I'll never come to South Carolina again, nor sail where a flag won't protect me. When I go among Patagonians, I know what they do; but when I sail to United States or be cast away on them, I don't know what they do, because I expect good people."

"Never mind, my good fellow," said Redman; "cheer up!—take it as a good sailor would a storm; and in the morning you'll get a small loaf of sour bread and a bucket of water for breakfast, if you go to the pump for it. Be careful to moderate your appetite when you breakfast according to the State's rules; for you must save enough to last you during the day, and if you can keep 'banyan day,' as the Bluenose calls it, you're just the man for

this institution, and no mistake. Come, I see you're hungry. Drink another bowl of coffee, and eat plenty of bread; then you'll be all right for another good sleep."

"Yes; but I don't expect to be in here long. But tell me, do we get nothing more than a loaf? Didn't the jail give us this supper?" he inquired with surprise.

"Supper, indeed! it's against the rules for prisoners to have coffee—that's our private fixings; but you'll get a pound of bloody neck-bone, they call beef, in the morning. I have twice thrown mine to the dog, but he doesn't seem to thank me for it; so I told the cook he needn't trouble his steelyards for me again."

Redman's conversation was interrupted by a noise that seemed to be a ring of the prison-bell, and an anxious expression which Manuel gave utterance to indicated that he expected somebody would come to see him. He was not disappointed; for a few minutes after the bolts were heard to withdraw and the heavy door swung back. There, true to his charge, was little Tommy, in his nicest blue rig, tipped off *à la* man-o'-war touch. With his palmetto-braid hat, a long black ribbon displayed over the rim, his hair combed so slick, and his little round face and red cheeks so plump and full of the sailor-boy pertness—with his blue, braided shirt-collar laid over his jacket, and set off round the neck with a black India handkerchief, secured at the throat with the joint of a shark's backbone—he looked the very picture and pattern of a Simon-Pure salt. He had wended his way through strange streets and lanes, with a big haversack under his arm, which Daley had relieved him of at the door, and brought into the room under his arm. As soon as Manuel caught a glimpse of him, he rose and clasped

the little fellow in his arms with a fond embrace. No greeting could be more affecting. Manuel exulted at seeing his little companion; but Tommy looked grieved, and asked, "But what has scarred your face so, Manuel? You didn't look that way when you left the brig. We have had a site o' folks down to see us to-day."

"Oh, that's nothing!—just a little fall I got. Don't tell the captain—it'll all be well to-morrow."

"Here, Jack, take your knapsack; did yer bring ever a drop o' liquor for the steward?" said Daley, addressing himself to Tommy, and putting the package upon the floor.

"Yes, Manuel," said Tommy; "the captain sent you some nice bread and ham, some oranges and raisins, and a bottle of nice claret; for he was told by the consul that they didn't give 'em nothing to eat at the jail. And I had a tug with 'em, I tell you. I got lost once, and got a good-natured black boy to pilot me for a Victoria threepence; but he did not like to carry the bundle to the jail, for fear of his master. Captain'll be up first thing in the morning, if he can get away from business," said the little tar, opening the haversack and pulling out its contents to tempt the hungry appetites of those around him.

"There, Tommy," said Manuel, "take that; it is the only token of remembrance I can give you now. You will think of me when we are separated." And he took a braided band, with a small silver crucifix attached, from his neck, and placed around Tommy's. It was of peculiar make, and was a present from his mother, much valued, and was only parted with at that moment by being moved by the simple attachment of the child.

After looking at the crucifix for some time, and seeming to prize it much beyond its intrinsic value, the little fellow exclaimed, "O Manuel, I'll keep it for ever! but I'd remembered you without that."

"Let me tie it," said Manuel, reaching his hand; "it's too long."

"Oh, no, 'tan't; I can put the end of it in my pocket, and the boys'll think I have a watch. Here, mister," said he, turning to Daley, "there's somethin' in this bottle."

Daley very coolly took the bottle of claret by the neck, and, holding it between himself and the light, took a lunar squint at it, as if doubting its contents; and then, putting it down, exclaimed, "Ah, the divil a red I'd give you for your claret! Sure, why didn't ye bring a token of good old hardware?"

"Hardware! What is hardware?" inquired Manuel.

"Ah! botheration to the bunch of yees—a drap of old whiskey, that'd make the delight cum f'nent. Have ye ne'er a drap among the whole o' yees?" Receiving an answer in the negative, he turned about with a Kilkenny "It don't signify," and toddled for the door, which he left open, to await Tommy's return. Redman knew Daley's propensity too well; and having ocular proof that he had wet *t'other eye* until it required more than ordinary effort to make either one stay open, he declined recognising his very significant hint.

As soon as Daley withdrew, Manuel invited his companions to partake of the captain's present, which they did with general satisfaction.

"Let us praise him who protects all, and holds the destiny of a shipwrecked sailor, while he looks above the

tyranny of a people who would sell him into slavery. He will give us blessings when they refuse to give us bread, and make us forget our sufferings when we forget to thank him."

"Yes, Manuel," said Tommy, with a spirit worthy of older years. "The crew are all good friends, and the captain's kind, and will do the square thing to get you out, and you know I'd not leave you. No, indeed, you'll see me every day, if the captain lets me away. But a man whispered in the captain's ear this afternoon, and told him it wouldn't be any use; that the consul had run his legs off; that he'd seen 'em all, and done all, but it was no use, and the captain didn't seem to take it right. But you mustn't let it trouble you; eat the things, and then have a good sleep."

Such is the feeble majesty of South Carolina—a majesty that has no dower for the unfortunate, setting up rights through the terrors of slavery, and trembling in her secret soul at every breath of justice, lest it should totter the groundwork of her oppressive will, and wrest the sorrows of slavery from her grasp. She talks of humanity while destroying its peace. She reigns in terror, braves the thought of what God has given to man, and gathers her wealth from the spoils of honest nature. The day will yet come when such a majesty will blush at its reign, and disown itself among the nations of the earth. It will look back upon itself like a gloomy curtain hanging its dark folds in the horizon of nations. It would present another dark scene in the world's tragedy, that. In the sixteenth century, the white man cast away on these very shores, the "wild man's shores," found a shelter in the wild man's rude habi-

tation. His generosity was pure; he watched over him, nursed his weary limbs, and shared his coarse morsel; and, while he rescued the white man from the perils that beset him, he was his sincere friend and lord of the primeval woodland. This was the wild man's charity, spreading its lap with the wealth of a noble heart; his hospitality was the purest gem of his life: he led the distressed to the forest carnival, and shared its pleasures without asking lustful praise. He did not gather them together, imprison them, and sell them into slavery, that the tides of wealth might flow unto himself. Thus he neither feared the white man, nor despoiled his nation to bribe the guardians of his terrors. How is it in this progressive nineteenth century? On this very soil of South Carolina, while assemblies are gathered together, praising God for his goodness and Christian love, a shipwrecked coloured man is manacled and dragged through the streets to a prison because he is coloured. A different version might be added to the poet's line—to read, how *changed* are all things here below! In a Christian land, it is worse than robbing the church of its ornaments—to sing songs of praise, while making captives of poor mariners. She has conquered the red man and annihilated him; but can she place her haughty feet upon a free man's neck, and ask God to save her from the fate of her wrongs? The stronghold of her glory may serve a tyrant, while deceiving himself; yet, though a hundred gates with their iron portals should stand to guard such glory, the force of freedom's will must be the victor. The voice of the oppressed will yet be heard in its own behalf without the dread of torture.

CHAPTER XV.

THE LAW'S INTRICACY

WHILE the scenes we have described in the foregoing chapter were being performed, several very interesting ones were going through the course of performance at the consul's office and other places, which we must describe. The British Government, in its instructions to Mr. Mathew, impressed upon him the necessity of being very cautious lest he should in any manner prejudice the interests of the local institutions within his consular jurisdiction, to make no requests that were incompatible with the local laws, but to pursue a judicious course in bringing the matter of her Majesty's subjects properly to the consideration of the legal authorities, and to point to the true grievance; and as it involved a question of right affecting the interests and liberties of her citizens, to ask the exercise of that judicial power from which it had a right to expect justice. The main object was to test the question whether this peculiar construction given to that local law which prohibits free coloured men from coming within the limits of the State was legal in its application to those who come into its ports connected with the shipping interests, pursuing an honest vocation, and intending to leave whenever their ship was ready. Now, it was well known that a wide difference of opinion existed in regard to

the equity of this construction of the law among the legal gentlemen of the Charleston bar, though they dare not express it openly. And we could name those whose opinions had ranked as precedents; among them, the present learned, and, we might say, able jurist, the United States district attorney, who *was bold enough* to venture his services in bringing the *habeas corpus* for Manuel. But how is a fair decision to be gotten, when slavery vitiates public sentiment, and the head of tribunals are interested in it, and all the avenues to an impartial judiciary are cut off? The right of equitable investigation is denied, because their feelings are moved by selfish motives, and those feelings give birth to sentiments that give popular animosity the power to supplant right. She condemns England for her interference with her peculiar institution, and yet forgets that she brings herself in contact with England by attempting to annul the rights of her citizens; still refusing to acknowledge the effect of that popular animosity arising from and persisted in by those whose interests are centred in that local institution, which gives rise to the question. The consul was censured by the press in several of the slaveholding States, because he dared to bring the matter before the local Legislature. We are bound to say that Consul Mathew, knowing the predominant prejudices of the Carolinians, acted wisely in so doing. First, he knew the tenacious value they put upon courtesy; secondly, the point at issue between South Carolina and the Federal Government (and, as a learned friend in Georgia once said, "*Whether South Carolina belonged to the United States, or the United States to South Carolina*"); and thirdly, the right of State sovereignty, which South Carolina held to be of the first

importance. To disregard the first would have been considered an insult to the feelings of her people;* and if the question had first been mooted with the Federal Government, the ire of South Carolinians would have been fired, the slur in placing her in a secondary position would have sounded the war-trumpet of abolition encroachments, while the latter would have been considered a breach of confidence, and an unwarrantable disregard of her assertion of State rights. The Executive transmitted the documents to the Assembly, that body referred them to *special* committees, and the Messrs. Mazyck and McCready reported as *everybody* in *South* Carolina expected, virtually giving the British consul a very significant invitation to keep his petitions in his pocket for the future, and his "*black lambs*" out of the State, or it might disturb their domesticated ideas. Thus was the right clearly reserved to themselves, and the question settled, so far as the State Legislature was concerned. The next course for Mr. Mathew was to appeal to the judiciary, and, should redress be denied, make it the medium of bringing the matter before the federal courts.

We cannot forbear to say that the strenuous opposition waged against this appeal of common humanity arose from political influence, supported by a set of ultra partisans, whose theoretical restrictions, assisted by the voice of the press, catered to the war-spirit of the abstractionists; and thus even men with better feelings feared to act.

The British Consul, as the representative of his Government, knowing the personal suffering to which the subjects of his country were subjected by the wretched state of the Charleston prison and its management, sought to remove

no restriction that might be necessary for protecting their dangerous institutions, but to relieve that suffering. He had pointed the authorities to the wretched state of the prison, and the inhuman regimen which existed within it; but, whether through that superlative carelessness which has become so materialised in the spirit of society, that callousness to misfortune so strongly manifested by the rich toward the industrious poor and the slaves, or a contempt for his opinions, because he had followed out the instructions of his Government, things went on in the same neglected manner, and no attention was paid to them.

Now, we dare assert that a large portion of the excitement which the question has caused has arisen from personal suffering, consequent upon that wretched state of jail-provisions which exists in South Carolina, and which, to say the least, is degrading to the spirit and character of a proud people. If a plea could be made, for excuse, upon the shattered finances of the State, we might tolerate something of the abuse. But this is not the case; and when its privileges become reposed in men who make suffering the means to serve their own interests, its existence becomes an outrage.

A stronger evidence of the cause of these remonstrances on the part of the British Government is shown by the manner in which it has been submitted to in Georgia. The British Consul of the port of Savannah, a gentleman whose intelligence and humane feelings are no less remarkable than Mr. Mathew's, has never had occasion to call the attention of the executive of Georgia to the *abuse* of power consequent upon the imprisonment of coloured seamen belonging to the ships of Great

Britain in that port. The seaman was imprisoned, consequently deprived of his liberty; but there was no suffering attendant beyond the loss of liberty during the stay of the vessel; for the imprisonment itself was a nominal thing. The imprisoned was well cared for; he had good, comfortable apartments, cleanly and well ordered, away from the criminals, and plenty of good, wholesome food to eat. There was even a satisfaction in this, for the man got what he paid for, and was treated as if he were really a human being. Thus, with the exception of the restriction on the man's liberty, and that evil which those interested in commerce would reflect upon as a tax upon the marine interests of the port to support a municipal police, because it imposes a tax and burdensome annoyance upon owners for that which they have no interest in and can derive no benefit from, the observance of the law had more penalty in mental anxiety than bodily suffering. We have sometimes been at a loss to account for the restriction, even as it existed in Georgia, and especially when we consider the character of those controlling and developing the enterprising commercial affairs of Savannah.

But we must return to South Carolina. If we view this law as a police-regulation, it only gives us broader latitude. If a community has that within itself which is dangerous to its well-being, it becomes pertinent to inquire whether there is not an imperfect state of society existing, upheld by law and dangerous in itself, and whether this policy is not injurious to the well-being of the State. The evil, though it be a mortifying fact, we are bound to say, arises from a strange notion of caste and colour, which measures sympathy

according to complexion. There is no proof that can possibly be adduced, showing that coloured seamen have made any infections among the slaves, or sought to increase the dangers of her peculiar institution.

We must return to those who sat around the barrel, in this gloomy cell, partaking of the few edibles sent them by the captain. The State saw them only as "niggers," and of course divested of amenable rights; yet there was a bounty of friendship in their own hearts—a commonwealth of true character expressed in the humble generosity of their board. With Jociquei it had arisen into nobleness, even through the prejudices with which the white man views the tints of the African race. As they were descanting upon the kindness of Jane, the good woman who had been the good Samaritan to them, and shared with them her corn-cakes, her hominy, and her sprats, and her donjohns, a loud rap sounded at the door.

"Who's there?" demanded Jociquei.

"Miself wants the nager ye have in there! Sure, 'imself's not to be found, an' ye have have beyant!" was the answer, recognised to be in Daley's voice.

"Niggers are known by their acts, not their skins. We are not of that kind, nor do we keep such things here," was the quick reply of Jociquei.

"Open the door; it's meself! I'll have the nager blood o' yees, when I gets in!" ejaculated Daley.

"Ah, when you do! You are a Christian according to your master's making."

"Doesn't yees niggers see the vingence yer bringing upon yees? An' it's yerselves 'll all git thirty-nine, and more, too, in the morning. I'll brake the door, if yees don't open it!"

The demand seemed couched in singular language, and was mysterious; for there was none but their own company to be seen in the cell. Tommy stood trembling, and clasping his little arms closer and closer around Manuel, as if he feared they were in pursuit of him. Soon, several other voices were heard demanding entrance; and among them that of the German criminal assistant, who was even more tyrannical than Daley. The door had a hook on the inside, which the stewards had made use of in their own defence. In the present case it was contending against the will of a white man, and, consequently, a gross insult to the majesty of the law and the enraged feelings of those demanding entrance; and which insult must not be allowed to go unpunished. After a few minutes, Jociquei slipped the hook, the heavy door opened, and the two keepers, with seven or eight prisoners, made a rush into the cell, with lanterns, clubs, and dirks in their hands. Jociquei and Copeland were felled to the ground by blows from the club in the German's hand; and before they could gather themselves from the floor, the few dishes that stood upon the barrel were strewn in broken pieces upon the floor, two or three pictures were torn from the wall and smashed to pieces, and the blankets thrown in every direction.

"Himself's here somewhere," said Daley, pushing one and kicking another, and again ordering little Tommy to sit down in the corner, while they searched more like infuriated demons than men.

"Who or what do you want?" inquired Jociquei, staring at Daley, with surprise pictured in his Spanish countenance, rubbing his head, and again the blood from his hand, occasioned by a stab in the fore-finger of his left.

"The nigger yer have stowed away. And, sure, he's to be sold in the morning to Bob Adams beyant, who makes up his gang at daylight."

"He is not here. Do not treat us like beasts!"

"Och, stop yer blarney; sure, yer don't know the behaviour of a nager to a gintleman. We'll larn yer that same," said Daley, holding the club over his head.

"Never mind, we have no arms; God has given us strength of heart. You may search out the poor wretch who fears and trembles at his destiny. We are freemen, and our country will protect us; and our hearts will brave such tyranny of thought and action. I pity the wretch who cannot be a man within himself. Poor wretch to be born as such!—an imperfect man, who dreads his fate because his body is not his own, nor his soul allowed to enjoy its divine inheritance. Oh, what a crime to be born black, and reared in ignorance and docility!—to be a tool, serving atrocity, when man thinks it no disgrace—to be the flesh and blood of men who revel in the indolence of slavery, and form a clanship to make its sorrows. Generous humanity! Come, my little fellow," said Jociquci, turning from Daley, and bringing Tommy from the corner, by the arm. "We will take care of Manuel; and you had better go home before it is too late. The guard may take you, and your skin won't save you where the law pays such bounty."

Just at this moment, loud cries of "Here he is! here he is!" "Where? where?" "Hang the black rascal! drag him out! drag him out!" resounded from the other end of the cell. All lanterns and attention became directed to the object then discovered. It was a grotesque scene, much beyond our power of description. From

the small aperture of a chimney, which seemed scarcely large enough to have admitted a good-sized cat, the bare, crusted feet of a poor negro boy,* about sixteen years of age, were seen protruding. One of the criminals had discovered them, and gave the alarm, while two others eagerly seized hold of them, and were dragging with all their power, while his cries for mercy would have touched the heart of a bandit. He was clothed in a coarse Osnaburg jacket and trousers, which had got fired, and, as they dragged him against the incrustation of the chimney, caught in ridges, and became the most painful instrument of torture. Without the slightest regard to his cries and imploring, they dragged him down, his body seeming to elongate, and his coarse Osnaburgs torn into shreds, his skin bleeding, and his whole exterior covered with soot. They all seized him as soon as he was drawn from his hiding-place, and made a rush for the door, dragging him after them, by the feet and arms, like an inanimate sledge, and leaving the traces of soot, as they trailed, upon the floor. Alarmed at such a spectacle, Tommy ran back into the corner, while Daley closed the heavy door, and was heard to secure the bolts on the outside, leaving the faint sound of the negro's cries to die upon the ear, as they hurried him to one of the outer cells.

* This negro belonged to Beaufort District, from whence his master, (like one among the many) had been compelled to send him to market for sale, to satisfy an obdurate creditor. He spoke in the highest terms of his good old mas'r, and such was his dread of being "sold south" by a trader, that he had watched an opportunity and secreted himself in this singular place.

CHAPTER XVI.

PLEA OF JUST CONSIDERATION AND MISTAKEN CONSTANCY OF THE LAWS.

THE consul's office opened at nine o'clock—the captain, with his register-case and shipping-papers under his arm, presented himself to Mr. Mathew, handed him his papers, and reported his condition. That gentleman immediately set about rendering every facility to relieve his immediate wants and further his business. The consul was a man of plain, unassuming manners, frank in his expressions, and strongly imbued with a sense of his rights and the faith of his Government—willing to take an active part in obtaining justice, and a deadly opponent to wrong, regardless of the active hostility that surrounded him. After relating the incidents of his voyage, and the circumstances connected with Manuel's being dragged to prison—"Can it be possible that the law is to be carried to such an extreme?" said he, giving vent to his feelings.

"Your people seem to have a strange manner of exhibiting their hospitality," said the captain, in reply.

"That is true; but it will not do to appeal to the officials." Thus saying, the consul prepared the certificate, and, putting on his hat, repaired to the jail. Here he questioned Manuel upon the circumstances of his arrest, his birthplace, and several other things. "I am not sure that I can get you out, Manuel, but I will do my best

The circumstances of your being driven in here in distress will warrant some consideration in your case; yet the feeling is not favourable, and we cannot expect much."

From thence he proceeded to the office of Mr. Grimshaw, where he met that functionary, seated in all the dignity of his office.

"Good morning, Mr. Consul. Another of your darkies in my place, this morning," said Mr. Grimshaw.

"Yes; it is upon that business I have called to see you. I think you could not have considered the condition of this man, nor his rights, or you would not have imprisoned him. Is there no way by which I can relieve him?" inquired the consul, expecting little at his hands, but venturing the effort.

"Sir, I never do anything inconsistent with my office. The law gives me power in these cases, and I exercise it according to my judgment. It makes no exceptions for shipwrecks, and I feel that you have no right to question me in the premises. It's *contrary to law* to bring niggers here; and if you can show that he is a white man, there's the law; but you must await its process."

"But do you not make exceptions?" inquired the consul. "I do not wish to seek his relief by process of law—that would increase expense and delay. I have made the request as a favour; if you cannot consider it in that light, I can only say my expectations are disappointed. But how is it that the man was abused by your officers before he was committed?"

"Those are things I've nothing to do with: they are between the officers and your niggers. If they are stubborn, the officers must use force, and we have a right to iron the whole of them. Your niggers give more trouble

than our own, and are a set of unruly fellows. We give 'em advantages which they don't deserve, in allowing them the yard at certain hours of the day. You Englishmen are never satisfied with anything we do," returned Mr. Grimshaw, with indifference, appearing to satisfy himself that the law gave him the right to do what he pleased in the premises. There seemed but one idea in his head, so far as niggers were concerned, nor could any mode of reasoning arouse him to a consideration of any extenuating circumstances. A nigger was a nigger with him, whether white or black—a creature for hog, hominy, and servitude.

"I expected little and got nothing. I might have anticipated it, knowing the fees you make by imprisonment. I shall seek relief for the man through a higher tribunal, and I shall seek redress for the repeated abuses inflicted upon these men by your officers," said the consul, turning to the door.

"You can do that, sir," said Mr. Grimshaw; "but you must remember that it will require white evidence to substantiate the charge. We don't take the testimony of your niggers."

Just as the consul left the office, he met Colonel S—— entering. The colonel always manifested a readiness to relieve the many cases of oppression and persecution arising from bad laws and abused official duty. He had called upon Mr. Grimshaw on the morning of the arrest, and received from him an assurance that the case would be considered, the most favourable construction given to it, and everything done for the man that was in his power. Notwithstanding this, to show how far confidence could be put in such assurances, we have only to inform the

reader that he had despatched the officers an hour previously.

The colonel knew his man, and felt no hesitation at speaking his mind. Stepping up to him, "Mr. Grimshaw," said he, "how do you reconcile your statement and assurances to me this morning with your subsequent conduct?"

"That's my business. I act for the State, and not for you. Are you counsel for these niggers, that you are so anxious to set them at liberty among our slaves? You seem to have more interest in it than that interfering consul. Just let these Yankee niggers and British niggers out to-night, and we'd have another insurrection before morning; it's better to prevent than cure," said Grimshaw.

"The only insurrection would have been in your heart, for the loss of fees. If you did not intend what you said, why did you deceive me with such statements? I know the feelings of our people, as well as I do yours, for caging people within that jail. Upon that, I intimated to the captain what I thought would be the probable result, and this morning I proceeded to his vessel to re-assure him, upon your statement. Imagine my mortification when he informed me that his steward had been dragged off to jail early in the morning, and that those two ruffians whom you disgrace the community with behaved in the most outrageous manner. You practise cruelty when you should moderate duty; you look upon those who are brought within your power as a money-changer does upon his gold; and you even tolerate the most scandalous abuses on the part of your officers. Do you know that these things will

recoil upon us? and if we are not held accountable legally, we shall by our reputation? Our competency to protect ourselves is more weakened by the insanity of isolated persecutions, arising from our own official stringency, than it can be from an open attack by the abolitionists. If we want to keep up our position in the society of the nation, we must maintain an unimpeachable dignity, and show through our acts that we intend to carry out our principles to the fullest extent; and that justice and moderation is our motto; that we seek to create no feeling of dissatisfaction with other States or nations, merely to gratify our pride for legal vanity. It is in your power to relieve this man, and I ask it as a favour, and on behalf of what I know to be the feelings of the citizens of Charleston."

"Your request, colonel," said Mr. Grimshaw, with a little more complacency, "is too much in the shape of a demand. There's no discretion left me by the State; and if you have a power superior to that, you better pay the expenses of the nigger, and take the management into your own hands. I never allow this trifling philanthropy about niggers to disturb me. I could never follow out the laws of this State and practise it; and you better not burden yourself with it, or your successors may suffer for adequate means to support themselves. Now, sir, take my advice. It's *contrary to law*, for them niggers to come here; you know our laws cannot be violated. South Carolina has a great interest at stake in maintaining the reputation of her laws. Don't excite the nigger's anxiety, and he'll be better off in jail than he would running about among the wenches. He won't have luxuries, but we'll make him comfortable, and he must suit his habits to our way of living."

"If you speak of making the man comfortable in jail, you must address a stranger, not me. An eye-witness cannot be deceived. If our people were not as cold as an iceberg about those things, we might look for some reformation—perhaps not so much for your interest, however," interrupted the colonel.

"Stop, sir! Make no such charges against the discharge of my official duty. You intrude, sir, beyond the regard of a gentleman! Remember, you are in an important office," said Grimshaw, in an agitated manner.

"I have no charges but such as will be known to posterity at large, and which a very shallow investigation will prove. If your exertions were as extravagant, and you had as many to assist you, on the other extreme, an immense amount of suffering would be relieved, and happiness and usefulness increased. It would add dignity and honour to your name, and be a blessing to those who suffer what you reap the benefit of. A man who is cast upon our shores is entitled to a consideration beyond the law; charity cannot withhold it, and humanity calls loudly for it. Let the political opposition be what it may, there is an eminent voice in our community which stands ready to acknowledge the circumstances, and would bear you out, if the disposition was manifested.

"It seems a singular gratification of our officials and inexperienced politicians to devise means to fetter the reputation of our best citizens and our city, and to entail things which are really disgraceful in themselves. You make all these legal inconsistencies a simple and most subservient life-rent to serve your own purposes, without giving them that broad view which looks to the general interests of our people. These things seem ordinary con-

ditions to you, carrying no influence beyond the narrow confines of your own official sphere. But, rest assured, you must awake from this dreamy lethargy. See the things beyond us; remember that suspicious eyes are upon us, weighing our devotion, whether true or false, to the interests of those whom we seek to protect. Our coldness and desertion of true spirit is returning upon us with force and passion. Who are responsible for it? Not those among us who would do good, and whose reflections are inseparable from our best interests, and whose course, if followed, would not make us uneasy in our present situation; but those who are waging an ungovernable war of impracticable politics, distracting our peace, and destroying our prospects. Those men are defrauding common-sense, embittering the feelings of our people, and making mischievous provisions, which an army of officials are required to support, and are reaping the harvest of, to the dilapidation of our State and city. There is a want of decision, Mr. Grimshaw, in all your official proceedings. I suppose you mean nothing positive; but I may take it for granted that you will make no consideration in this poor man's case," continued the colonel.

"We must not set a bad example before our own niggers; the whiter they are the worse they are. They struggle for their existence now, and think they're above observing our nigger laws. We want to get rid of them, and you know it," returned Grimshaw.

"Yes; I know it too well, for I have had too many cases to protect them from being '*run off*' and sold in the New Orleans market. But when you speak of white niggers, I suppose you mean our brightest. I

dispute your assertion, and point you to my proof in the many men of wealth among them now pursuing their occupations in our city. Can you set an example more praiseworthy? And notwithstanding they are imposed upon by taxes, and many of our whites take the advantage of law to withhold the payment of debts contracted with them, they make no complaint. They are subject to the same law that restricts the blackest slave. Where is the white man that would not have yielded under such inequality? No! Mr. Grimshaw, I am as true a Southerner—born and bred—as you are; but I have the interests of these men at heart, because I know they are with us, and their interests and feelings are identical with our own. They are native Americans by birth and blood, and we have no right to dispossess them by law of what we have given them by blood. We destroy their feelings by despoiling them of their rights; and by it we weaken our own cause. Give them the same rights and privileges that we extend to that miserable class of foreigners who are spreading pestilence and death over our social institutions, and we would have nothing to fear from them, but rather find them our strongest protectors. I want to see a law taking from that class of men the power to lord it over and abuse them.* And I want

* A friend, who has resided several years in Charleston, strong in his feelings of Southern rights, and whose keen observation could not fail to detect the working of different phases of the slave institution, informed us that he had conversed with a great many very intelligent and enterprising men belonging to that large class of "*bright*" men in Charleston, and that which appeared to pain them most was the manner they were treated by foreigners of the lowest class; that rights which they had inherited by birth and blood were taken away from them; that, being

to see another making it a penal offence for those men holding slaves for breeding purposes. Another, which humanity calls for louder than any other, is one to regulate their food, punish these grievous cases of starvation, and make the offender suffer for withholding proper rations."

"Well, pretty well!" said Grimshaw, snapping his fingers very significantly. "You seem to enjoy the independence of your own opinion, colonel. Just prove this nigger's a white, and I'll give you a release for him, after paying the fees. You better move to Massachusetts, and preach that doctrine to William Lloyd Garrison and Abby Kelly."

"Give me none of your impudence, or your low insults. You may protect yourself from personal danger by your own consciousness that you are beneath the laws of honour; but that will not save you from what you deserve, if you repeat your language. Our moderation is our protection, while such unwise restrictions as you would enforce fan the flame of danger to our own households," said the colonel, evidently yielding to his impulses; while Mr. Grimshaw sat trembling, and began to make a slender apology, saying that the language was forced upon

subjected to the same law which governed the most abject slave, every construction of it went to degrade them, while it gave supreme power to the most degraded white to impose upon them, and exercise his vindictive feelings toward them; that no consideration being given to circumstances, the least deviation from the police-regulations made to govern negroes was taken advantage of by the petty guardmen, who either extorted a fee to release them, or dragged them to the police-office, where their oath was nothing, even if supported by testimony of their own colour; but the guardman's *word* was taken as positive proof. Thus the laws of South Carolina forced them to be what their feelings revolted at.

him, because the colonel had overstepped the bounds of propriety in his demands.

"I'm somewhat astonished at your demand, colonel; for you don't seem to comprehend the law, and the imperative manner in which I'm bound to carry it out. Shipowners should get white stewards if they want to avoid all this difficulty. I know the nature of the case; but we can't be accountable for storms, shipwrecks, old vessels, and all these things. I'll go and see the fellow to-morrow, and tell the jailer—he's a pattern of kindness, and that's why I got him for jailer—to give him good rations and keep his room clean," said Grimshaw, getting up and looking among some old books that lay on a dusty shelf. At length he found the one, and, drawing it forth, commenced brushing the dust from it with a dust-brush, and turning his tobacco-quid. After brushing the old book for a length of time, he gave it a scientific wipe with his coat-sleeve, again sat down, and commenced turning over its pages.

"It's in here, somewhere," said he, wetting his finger and thumb at every turn.

"What's in there, pray? You don't think I've practised at the Charleston bar all my life without knowing a law which has called up so many questions?" inquired the colonel.

"Why, the Act and the amendments. I believe this is the right one. I a'n't practised so long, that I reckon I've lost the run of the appendix and everything else," adding another stream of tobacco-spit to the puddle on the floor.

"That's better thought than said. Perhaps you'd better get a schoolboy to keep his finger on it," continued the colonel, laconically.

"Well, well; but I must find it and refresh your memory. Ah! here it is, and it's just as binding on me as it can be. There's no mistake about it—it's genuine South Carolina, perfectly above board." Thus saying, he commenced reading to the colonel as if he was about to instruct a schoolboy in his rudiments. "Here it is—a very pretty specimen of enlightened legislation—born in the lap of freedom, cradled in a land of universal rights, and enforced by the strong arm of South Carolina."

"An Act for the better regulation and government of free negroes and persons of colour, and for other purposes," &c. &c. &c., Mr. Grimshaw read; but, as the two first sections are really a disgrace to the delegated powers of man, in their aim to oppress the man of colour, we prefer to pass to the third section, and follow Mr. Grimshaw as he reads:—

"That if any vessel shall come into any port or harbour of this State (South Carolina), from any other State or foreign port, having on board any free negroes or persons of colour, as cooks, stewards, or mariners, or in any other employment on board said vessel, such free negroes or persons of colour shall be liable to be seized and confined in jail until said vessel shall clear out and depart from this State; and that, when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or person of colour, and pay the expenses of detention; and, in case of his refusal or neglect to do so, he shall be liable to be indicted, and, on conviction thereof, shall be fined in a sum not less than one thousand dollars, and imprisoned not less than two months; and such free negroes or persons of colour shall be deemed and taken as absolute slaves, and sold in conformity to the

provisions of the Act passed on the twentiethday of December, one thousand eight hundred and twenty, aforesaid."

Mr. Grimshaw's coolness in the matter became so intolerable, that the colonel could stand it no longer; so, getting up while Mr. Grimshaw was reading the law, he left the office, perfectly satisfied that further endeavours at that source would be fruitless.

After Mr. Grimshaw had concluded, he looked up, perfectly amazed to find that he was enjoying the reading of the Act to himself. "Had I not given it all the consideration of my power, and seen the correctness of the law, I should not have given so much importance to my opinion. But there it is, all in that section of the Act, and they can't find no convention in the world to control the Legislature of South Carolina. There's my principles, and all the Englishmen and abolitionists in Christendom wouldn't change me. Now, I've the power, and let 'em get the nigger out of my place, if they can," said Grimshaw, shutting the book, kicking a good-sized, peaceable-looking dog that lay under the table, and deliberately taking his hat and walking into the street.

Here is an Act, bearing on its face the arrogant will of South Carolina, setting aside all constitutional rights, and denying the validity of stipulations made by the United States in her general commercial laws. She asserts her right to disregard citizenship, to make criminals of coloured men, because they are coloured, and to sell them for slaves to pay the expenses which she had incurred to make them such. And what is still worse is, that the exercise of this misconceived and unjust law is so unrelentingly enforced, and so abused by those who carry it out.

During this time the consul had been unremitting in his endeavours to procure the man's release. The mayor had no power in the premises; the attorney-general was not positive in regard to the extent of his power in such a case, though he admitted the case to be an aggravated one; the judges could only recognise him as a nigger, consequently must govern their proceedings by legislative Acts. Upon the whole, he found that he was wasting his time; for while they all talked sympathy, they acted tyranny. Cold, measured words about niggers, "*contrary to law*," constitutional rights, inviolable laws, State-sovereignty and secession, the necessary police-regulations to protect a peculiar institution, and their right to enforce them, everywhere greeted his ears. There was about as much in it to relieve Manuel as there would have been had a little bird perched upon the prison-wall and warbled its song of love to him while strongly secured in his cell, more tantalising because he could hear the notes, but not see the songster.

Notwithstanding the commendable energy of the consul, he had the satisfaction of knowing that several very improbable reports touching his course, and construing it into an interference with the institution of slavery, had been widely circulated, and were creating a feeling against him among a certain class of "*fire-eating*" secessionists. He was too well aware of the source from which they originated to awaken any fears; and, instead of daunting his energy, they only increased it, and brought to his aid the valuable services of the Hon. James L. Petigru, a gentleman of whom it is said (notwithstanding his eminence at the bar) that, had it not been for his purity of character, his opinions in opposition to the State would

have long since consigned him to a traitor's exile. The truth was, and much against Mr. Petigru's popularity in his own State, that he was a man of sound logic, practical judgment, and legal discrimination. Thus endowed with the requisite qualities of a good statesman, and pursuing a true course to create a conservative influence in the State, he failed to become popular beyond his legal sphere. Had he espoused that most popular of all doctrines in South Carolina, nullification and secession, and carried abstraction to distraction, James L. Petigru would have added another "*Roman name*" to that which has already passed from South Carolina's field of action.

The consul did his duty, but effected nothing; and such was the opposition manifested by the officials who were interested in the spoils of law, and politicians who could not see anything important beyond secession, that there was no prospect of it. And, as the last resort, he appealed to the judiciary through the "*habeas corpus*," the result of which we shall show in a subsequent chapter.

CHAPTER XVII.

LITTLE GEORGE, THE CAPTAIN, AND MR. GRIMSHAW.

THE consul had returned to his office rather discomfited at not being able to relieve Manuel, yet satisfied that he had placed matters in their proper light before the public. The captain reported and left his manifest at the custom-house, after entering his protest and making the necessary arrangements for survey, &c. &c.; and Colonel S—— became so well satisfied of the affectation of *law protectors*, and that his services in behalf of humanity were like straws contending against a foaming current, that, acknowledging his regrets to the captain, he preferred to make up in attention what he could not do for Manuel through the law.

Little George paid his respects to the *Janson* between ten and eleven o'clock, duly dressed. "Mr. Mate, where's your skipper?" he inquired, with an air of consequence that put an extra pucker on his little twisting mouth.

"Gone to jail, or to see Doctor Jones, I expect—not giving ye an ill answer," replied the old mate gruffly.

"Perhaps you don't know who I am, sir? Your answer's not polite. You must remember, sir, you're in South Carolina, the sunny city of the South," said the little secessionist.

"I al'a's make my answer to suit myself. I study hard work and honesty, but never was known to carry a

grammar in my pocket. But, my taut friend, I should know'd I was in South Carolina if you hadn't said a word about it; for no other nation under the sky would a dragged a poor cast-away sailor to prison because he had the misfortune to have a tawny hide. It's a ten-to-one, my hearty, if you don't find the skipper in jail, and all the rest of us, before we leave. I'm lookin' now to see some body-grabber coming down with a pair of handcuffs," continued the mate.

"What! do you mean to insult me again, Mr. Mate? Explain yourself! I'm not accustomed to this ironical talk!"

"Well, it's something like your laws. They dragged our steward off to jail this morning, without judge or jury, and with about as much ceremony as a Smithfield policeman would a pickpocket."

"What! you don't say! Well, I was afraid of that. Our officers are mighty quick, but I'd hoped differently. But, sir, give my compliments to the captain. Tell him *I'll* make the matter all right. My influence, sir, and my father's—he is one of the first men in the city—tells mightily here. I have promised my services to the captain, and I'll see him through. Just pledging my word to Grimshaw will be enough to satisfy the judicial requisitions of the law," said George, switching his little cane on his trousers.

"My good fellow," said the mate, "if you can get our steward out o' limbo, you'll be doing us all a good turn, and we'll remember you as long as we pull a brace."

"You may reckon on me, Mister Mate; and if I a'n't down before six o'clock, my father will certainly take the matter in hand; and he and Mazcyk belong to the seces-

sion party, and control things just as they please at Columbia." So saying, George bid the old mate good morning, and bent his course for the head of the wharf.

"There," said the old mate, "it's just what I thought all along; I knew my presentiment would come true. I'll wager a crown they treat Manuel like a dog in that old prison, and don't get him out until he is mildewed; or perhaps they'll sell him for a slave a'cos he's got curly black hair and a yellow skin. Now I'm a hardy sailor, but I've sailed around the world about three times, and know something of nature. Now ye may note it as clear as the north star, prisons in slave-countries a'n't fit for dogs. They may tell about their fine, fat, slick, saucy niggers, but a slave's a slave—his master's property, a piece of merchandise, his chattel or his football—thankful for what his master may please to give him, and inured to suffer the want of what he withholds. Yes, he must have his thinking stopped by law, and his back lashed at his master's will if he don't toe the mark in work. Men's habits and associations form their feelings and character, and it's just so with them fellers; they've become so accustomed to looking upon a nigger as a mere tool of labour—lordin' it over him, starving him, and lashing him—that they associate the exercise of the same feelings and actions with everything connected with labour, without paying any respect to a poor white man's feelings," continued the mate, addressing himself to his second, as they sat upon the companion, waiting for the captain to come on board and give further orders.

Never were words spoken with more truth. The negro is reduced to the lowest and worst restrictions, even by those who are considered wealthy planters and good

masters. We say nothing of those whose abuse of their negroes by starvation and punishment forms the theme of complaint among slaveholders themselves. His food is not only the coarsest that can be procured, but inadequate to support the system for the amount of labour required Recourse to other means becomes necessary. This is supplied by giving the slave his task, which, so far as our observation extends, is quite sufficient for any common labourer's day's-work. This done, his master is served; and as an act of kindness (which Sambo is taught to appreciate as such), he is allowed to work on his own little cultivated patch to raise a few things, which mas'r (in many cases) very condescendingly sells in the market, and returns those little comforts, which are so much appreciated by slaves on a plantation—tea, molasses, coffee, and *tobacco*—and now and then a little wet of whiskey. This is the allowance of a good man doing a good week's work, and getting two pounds of bacon and a peck of corn as his compensation. But, in grateful consideration, his *good* master allows him to work nights and Sundays to maintain himself. In this way was "*Bob's bale of cotton*" raised, which that anxious child of popular favour, the editor of the *Savannah Morning News*, so struggled to herald to the world as something magnificent on the part of the Southern slave-masters. At best, it was but a speck. If the many extra hours of toil that poor Bob had spent, and the hours of night that he had watched and nursed his plants, were taken into account, there would be a dark picture connected with "*Bob's bale of cotton*" which the editor *forgot* to disclose.

But there is another evil at the South—it is a great offspring of slavery, and goes far to reduce public morals

and public sentiment; and is that which reduces a large portion of the poor whites at the South to a state of ignorance and degradation, that would seem incredible to those who had not taken an interest in searching it out. It is, that the Southerner is autocratic over everything that is poor and humble—we speak of them as a class. He only sees labour through slavery; and thus, as a general thing, he assumes the same arrogant authority and bemeaning habitua over the poor white man, who may chance to be brought within the exercise of his feelings.

They conceive that they have constituted rights superior to the artisan or labourer, and that these give them certain positions to maintain so much above the masses; that the artisan's handiwork and the labourer's is mingled together for one purpose—that of serving their dignity and perverse system of family pride. Now, let us look for a moment at the condition which the tendency of this system entails upon the poorer mechanics and their families. There are exceptions, of course; but those exceptions are few when compared with other places.

In order to maintain the tenor of this position, the Southerner makes an extravagant display of very useless and badly adapted things. This becomes so incumbent to his feelings that he is obliged to continue it; and when circumstances restrict his proper means, he falls back upon his labourers, taxing their exertions with a desperation that knows no limits. For this he gives no counterbalancing medium. The happiness and usefulness of the black or the white are alike in his mind; and if the black man can live upon hog and hominy, he thinks the white man can be restricted to do the same. We need not extend our remarks upon this point; the sub-

ject is capable of unlimited incidents among mechanics, with but little qualification. The master must keep up appearances, and he must learn his children to do the same. He must have his comforts and his luxury, and his children must have the same; and, in nine cases out of ten, he keeps up a style of life which honest means would be inadequate to support, did he not seek extortion and punishment, denying the coarsest fare to his slaves, and inflicting the worst injuries to their well-being, to serve his own affectation. Call this fraud or what you may, the best and softest name cannot save the injustice before God.

It is a transcending state of misery that enfeebles itself, that devises for its own gratification, while embittering and despoiling the lives of others. Generation after generation comes forward to see the same unhappy spectacle, that one day's labour has gone and another has come, and the same is to be for a life-time—that their body is the estate of another, and their hopes and fears must be inclosed in their own bosoms, to swell the throbbing heart when despair followed injustice, but not to break the sound, even in whispers, and die when first they had their birth, when life's last chord was severed.

Every form of labour becomes so associated with servitude, that we may excuse the Southerner for those feelings which condemn those devoted to mechanical pursuits as beneath his caste and dignity. Arrogance and idleness foster extravagance, while his pride induces him to keep up a style of life which his means are inadequate to support. This induces him to subsist his slaves on the coarsest fare; and, becoming hampered, embarrassed, and fretted in his fast-decaying circumstances, his slaves, one

by one, suffer the penalty of his extravagance, and finally he himself is reduced to such a condition that he is unable to do justice to himself or his children any longer; his slaves are dragged from him, sold to the terrors of a distant sugar-plantation, and he turned out of doors a miserable man.

We see this result every day in South Carolina; we hear the comments in the broadways and public places, while the attorney and bailiff's offices and *notices* tell the sad tale of poverty's wasting struggle. Did Southerners seek to promote the happiness and welfare of those under them, the state of things would wear a different complexion; prosperity would root out that devastating evil which has brought the ruin of so many, and left them men destitute of dependencies, existing upon some pittance—the price of labour worked by some two or three old negroes; honest toil would be recompensed through it, new energy would be infused, and the happiness of those who are now kept in obscurity would bless the hand and promote the welfare of him whose estate they were. But we must return to our subject.

George, in passing from the wharf into the bay, met the captain, who was shaping his course for the brig. He immediately ran up to him, and shook his hands with an appearance of friendship. "Captain, I'm right sorry to hear about your nigger. I was not prepared for such a decision on the part of Mr. Grimshaw, but I'm determined to have him out," said he.

"Well," said the captain, "I'm sorry to say I find things very different from what I anticipated. My steward is imprisoned for nothing, except that he is a Portuguese, and everybody insists that he's a nigger.

Everybody talks very fine, yet nobody can do anything, and everything is left to the will of one man."

"Why, captain, we've the best system in the world for doing business; you'd appreciate it after you understood it! Just come with me, and let me introduce you to *my* father. If he don't put you right, I'll stand convicted," said little George.

Accepting the invitation, they walked back to the "*old man's*" counting-room. George had given the captain such an extended account of his father's business and estates, that the latter had made up his mind to be introduced to an "India Palace" counting-room. Judge of his surprise, then, when George led the way into an old, dirty-looking counting-room, very small and dingy, containing two dilapidated high desks standing against the wall. They were made of pitch pine, painted and grained, but so scarred and whittled as to have the appearance of long use and abuse. In one corner was an old-fashioned low desk, provided with an inkstand, sundry pieces of blotting-paper, the pigeon-holes filled with loose invoices, letters, and bills of lading, very promiscuously huddled together; while hanging suspended on a large nail, driven in the side and exposed to view, was an enormous dust-brush. A venerable-looking subject, of some foreign country, stood writing at one desk, a little boy at the other, and George's veritable "*old man*" at the low desk. Here and there around the floor were baskets and papers containing samples of sea-island and upland cotton. George introduced the captain to his father with the suavity of a courtier. He was a grave-looking man, well dressed, and spoke in a tone that at once enlisted respect. Unlike

George, he was a tall, well-formed man, with bland yet marked features, and very grey hair. He received the captain in a cold yet dignified manner, inquired about his voyage, and who he had consigned to, and what steps he had taken to proceed with his business, all of which the captain answered according to the circumstances.

"What! then you have consigned already, have you?" said little George, with surprise.

"Oh, yes," returned the captain. "I have left my business in the hands of the consul, and shall follow his directions. It's according to my sailing orders. But there's so much difficulty, I shouldn't wonder if I had to leave the port, yet!"

"Not so, captain; I'll take care of that!" said George, giving his father a statement of the captain's trouble about Manuel's imprisonment, and begging that he would bestow his influence in behalf of his friend the captain. Although George coupled his request with a seeming sincerity, it was evident that he felt somewhat disappointed at the consignment. The old gentleman looked very wise upon the subject, lifted his gold-framed spectacles upon his forehead, gratified his olfactory nerves with a pinch of snuff, and then said in a cold, measured tone, "Well, if he's a nigger, I see no alternative. The circumstances may give a colouring of severity to the law, but my opinion has always been, that the construction of the law was right; and the Act being founded upon necessity, I see no reason why we should meddle with its prerogative. I think the interference of the consul unwarrantable, and pressed upon mere technical grounds. These stories about the bad state of our jail, and the sufferings of criminals confined in it, arise, I must think, from the reports of

bad prisoners. I have never been in it. Our people are opposed to vice, and seldom visit such a place; but the *sheriff* tells me it is comfortable enough for anybody. If this be so—and I have no reason to doubt his word—we can exercise our sympathy and kindness for his ship-wrecked circumstances, and make him as comfortable there as we could anywhere else. There are many different opinions, I admit, touching the effect of this law; but I'm among those who support stringent measures for better protection. His colour can form no excuse, captain, so long as there is symptoms of the negro about him. We might open a wide field for metaphysical investigation, if we admitted exceptions upon grades of complexion; for many of our own slaves are as white as the brightest woman. Consequently, when we shut the gates entirely, we save ourselves boundless perplexity. Nor would it be safe to grant an issue upon the score of intelligence; for experience has taught us that the most intelligent *bright fellows* are the worst scamps in creating discontent among the slaves. I only speak of these things, captain, in a general sense. Your man may be very good, noble, generous and intelligent—and, more than all, not inclined to meddle with our peculiar institution; but it would be a false principle to make him an exception, setting an example that would be entirely incompatible with our greatest interests. So far as my word will affect the sheriff, and enlist his better feelings in making him comfortable, I will use it," said the "*old man*," again adjusting his specs.

Little George seemed dumbfoundered with mortification, and the captain felt as though he would give a guinea to be on board his brig. It was no use for him to enter into the extenuating circumstance of his voyage,

or the character of the man Manuel. The same cold opinions about the law, and the faith and importance of South Carolina, and her peculiar institutions, met his ears wherever he went. The captain arose, took his hat, and, bidding the old gentleman good morning, again left for his brig.

"Don't be worried about it—I'll do what I can for you," said the old man, as the captain was leaving. George followed him into the street, and made a great many apologies for his father's opinions and seeming indifference, promising to do himself what his father did not seem inclined to undertake. The captain saw no more of him during his stay in Charleston; and if his influence was exerted in Manuel's behalf, he did not feel its benefits.

Business had so occupied the captain's attention during the day, that he had no time to visit Manuel at the jail; and when he returned to the vessel, a message awaited him from the British consul. One of the seamen had been detailed to fill Manuel's place, who, with his dinner all prepared, reminded the captain that it was awaiting him. He sat down, took dinner, and left to answer the consul's call. Arriving at the office, he found the consul had left for his hotel, and would not return until four o'clock. As he passed the post-office, a knot of men stood in front of it, apparently in anxious discussion. Feeling that their conversation might be interesting to him, or have some connexion with his case, he walked slowly back, and, as he approached them, observed that the conversation had become more excited. The principals were Mr. Grimshaw and a factor on the bay, deeply interested in shipping.

"A man acting in your capacity," said the factor, "should never make use of such expressions—never give encouragement to mob law. It's not only disgraceful to any city, but ruinous to its interests. Officials never should set or encourage the example. Want of order is already in the ascendant; and if the populace is to be led on to riot by the officials, what check have we? God save us from the direful effects!"

"Well, perhaps I went too far," said Mr. Grimshaw, "for I think as much of the name of our fair city as you do. But we ought to teach him that he can't pursue this open, bold, and daring course, endangering our institutions, because he's consul for Great Britain. I would, at all events, treat him as we did the *Yankee* HOAR from Massachusetts, and let the invitation be given outside of official character, to save the name; then, if he did not move off, I'd go for serving him as they did the Spanish consul in New Orleans. These English niggers and Yankee niggers are fast destroying the peace of Charleston."

"You would, would you?" said another. "Then you would incite the fury of an ungovernable mob to endanger the man's life for carrying out the instructions of his Government?"

"That don't begin to be all that he does, for he's meddling with everything, and continually making remarks about our society," said Grimshaw, evidently intending to create ill-feeling against the consul, and to make the matter as bad as possible.

"Now, Mr. Grimshaw," said the factor, "you know your jail is not fit to put any kind of human beings into, much less respectable men. It's an old revolutionary concern, tumbling down with decay, swarming

with insects and vermin; the rooms are damp and unhealthy, and without means to ventilate them; the mildew and horrible stench is enough to strike disease into the strongest constitution; and you aggravate men's appetites with food that's both insufficient and unwholesome, I know; because I visited a friend who was put in there on 'mesne process.'"

"There is little confidence to be placed in the stories of prisoners: they all think they must be treated like princes, instead of considering that they are put there for cause, and that a jail was intended for punishment," interrupted Grimshaw, anxious to change the subject of conversation, and displaying an habitual coldness to misfortune which never can see the gentleman in *a prisoner*.

"Yes; but you must not measure men by that standard. Circumstances which bring them there are as different as their natures. I've known many good, honest, and respectable citizens, who once enjoyed affluence in our community, put in there, month after month, and year after year, suffering the persecution of creditors and the effects of bad laws. Now, these men would not all complain, if there was no cause, and they all loved you, as you state. But tell me, Mr. Grimshaw, would it not be even safer for our institutions to make a restriction confining them to the wharf, which could be easily done, and with but small expense to the city? Niggers on the wharfs could have no communication with them, because each is occupied in his business, and ours are too closely watched and driven during working-hours. As soon as those hours end, they are bound to leave, and the danger ends. Again, those niggers who work on the wharfs are

generally good niggers, while, on the other hand, bad niggers are put into jail; and during the hours these stewards are allowed the privilege of the yard, they mix with them without discrimination or restraint. Their feelings, naturally excited by imprisonment, find relief in discoursing upon their wrongs with those of their own colour, and making the contamination greater," said the factor, who seemed inclined to view the matter in its proper light.

"Oh! what, sir? That would never do. You mistake a nigger's feelings entirely. Privileges never create respect with them. Just make a law to leave 'em upon the wharf, and five hundred policemen wouldn't keep 'em from spoiling every nigger in town, just destroying the sovereignty of the law, and yielding a supreme right that we have always contended for. It's *contrary to law*, and we must carry out the law," replied Grimshaw.

"Pshaw! Talk such stuff to me! Just take away the sixteen hundred or two thousand dollars that you make by the law, and you'd curse it for a nuisance. It would become obsolete, and the poor devils of stewards would do what they pleased; you'd never trouble your head about them. Now, Grimshaw, be honest for once; tell us what you would do if circumstances compelled the captain to leave that nigger boy here?"

"Carry out the letter of the law; there's no alternative. But the captain swears he's a white man, and that would give him an opportunity to prove it."

"How is he to prove it, Grimshaw? We take away the power, and then ask him to do what we make impossible. Then, of course, you would carry out the letter of the law and sell him for a slave. Well, I should like to see

the issue upon a question of that kind carried out upon an English nigger. It would be more of a curse upon our slave institution than everything else that could be raised," said the factor.

"Gentlemen, you might as well preach abolition at once, and then the public would know what your sentiments were, and how to guard against you. I must bid you *good-bye*." So saying, Mr. Grimshaw twisted his whip, took a large quid of tobacco, and left the company to discuss the question among themselves.

CHAPTER XVIII.

TESTING THE PRINCIPLES OF ENGLISHMEN AND YANKEES.

UPON the scale of thirty-six-thirty,* a hackneyed phrase at the South, many unprofitable discussions have arisen in and out of Congress; but we now come to an illustration of testing men's principles by it. George, in order to appease matters, invited the captain to accompany him to a very fine and not uncommon exhibition at the South, which was to take place at —— Hall, on the following night. George described the entertainment as particularly rich, instructive, entertaining, and displaying the truth of Southern principles. The time arrived; and little George, duly dressed and full of ceremony, waited upon his guest, and they were soon wending their way through a continuation of dark lanes and into a remote part of the city.

"Now, captain, you'll see a smart bit of fun to-night. We don't trifle with folks here. We test their principles by rule, and, if they a'n't sound, we accommodate them with a new dress and an invitation to leave town," said George.

* A line of demarcation, by which it was proposed by members of Congress to divide new territory during the agitation of the Compromise Question in 1850, when a disruption of the Union was threatened; Clayton's Compromise, Clay's measures, and the Missouri line of thirty-six-thirty, were tenaciously contended for by the South.

"Bless me! you are extremely liberal," returned the captain.

"Yes, sir; we are in them things: I mean tar and rush-down—we call it feathers on such occasions. Our vigilance-committee keep a sharp eye on Englishmen and Yankees; and we put it on thick if they don't acknowledge the coin straight up."

"But you can scarcely tar and feather an Englishman; his Government would protect him."

"Well, we know what the British Government have talked of doing; but their talk a'n't nothing to our institution," replied George; and in a few minutes they passed through a large lattice-gate into a courtyard, and from thence into a narrow passage, in the basement of an old weather-stained, wooden building. They groped their way through it in the dark, and entered a winding staircase which led them into an open area, lighted by the dim light of an oil-lamp that hung suspended from the ceiling. Loud speaking, as if some one was addressing a meeting, was heard. "Don't be afraid, captain; I can get in," said George, turning round; and, after rapping once or twice at a large, arched door, it was unlocked from within, and they were admitted by a huge, coarse-looking man, dressed in brown homespun, a felt hat upon his head, and a long tip-staff in his hand. George whispered something in his ear which seemed to be a satisfactory pass-word, and they passed into a long, low studded room, very artistically dinged with lamp-smoke, and ornamented with fantastically-twined festoons of cobwebs. In the middle of the room stood a long table, well supplied with decanters of good hardware of various colours, bottles, tumblers, ice, lemons, cigars—an abundant supply of

cracker and cheese, a volume of the "Revised Statutes of South Carolina," and a promiscuous roll of handbills. Around the table sat sundry gentlemen, great and small—some with very red noses, some with very red faces, and others of weighty metal, showing the copious developments of very good living. They numbered about twenty, and were as differently dressed. They had been talking and *taking*, without reference to anything extremely momentous; for, on approaching the conclave, one of them, a tall man, with dark, haggard features, and bristly, grey hair that stood erect upon his head, exclaimed, "That is my opinion! I say, carry these things into effect, and we show 'em what we means to do." And, sitting down deliberately, he put his brawny hand into his breast-pocket, and, drawing out a flaming dirk, threw it carelessly upon the table.

"This 'ere's our vigilance-committee, going to try them fellers," whispered George, pointing to two disconsolate-looking subjects who sat roosted upon a high bench, about ten feet from the table. One was an unconscious Yankee; the other was a true Englishman, who had made a slight mistake in his remarks about freedom, and been seen in company with a young lady.

"Most important declaration! I second my friend Crambo's remark," said a monster of bone and sinew, who sat at the head of the table, unrolling a package of placards.

"We'd better proceed regularly to business; and my move is a most important one. I move that we drink around," said a third.

"Good! good! Most important when true principles are to be tested," rejoined a short, sottish-looking man,

with crispy, red hair all over his face, an indescribable countenance, and a treacherous leer in his eyes, that marked him as a man who would and had dealt in the large vices of the day. No sooner said, than they rejected their cigars, filled bumpers, and drank to *all men of honest principles!*

"Now, gentlemen, we will proceed to business, and examine the Yankee first," said the corpulent man, rapping upon the table with the handle of his dirk. "Call up the testimony."

"One moment, gentlemen; 'ere's a case what requires doing up brown," interrupted little George, stepping up to the table, and drawing a large paper. "I propose, if there's any business in the way of *tar and feathers*, that it be left to the junior committee, of which I have the honour to be a member. We do that business with promptness, despatch, and neatness, and we've got a new rail to ride 'em upon." He unrolled the paper, which contained the following notice, in flaming letters:

"Fire! Fire!! Fire!!!
A right smart chance to dress an abolitionist!!!
A premium of two per cent. for tar and feathers!
The Junior Committee
are requested
To meet at —— Hall at six o'clock precisely.
A great demonstration is expected.
Every man is requested to bring his implements.*"

"Now, gents, we just organised, and walked straight up to the feller's house, and dragged him out. We knew

* Tar and feathers.

he was a tarnal abolitionist, although the feller stuck to it mightily that he warn't, and begged, and pleaded, and offered to show his letters; but I tell you, gentlemen, it was no time to hear a Yankee's crooked story, and we were in for a right smart piece of fun. So we run him down into Wardmalaw swamp, ripped the old straight coat of his'n, and gin him a new suit, blacker, thicker, and sleeker than he ever had before. And then we rid him on a rail; and a jolly good ride it was too. Our niggers enjoyed the sport just as much as we did; and it's just what I've always said, they don't like abolitionists a mite better than we do. Just hand him over to us after you've tried his case; and we'll have a bender* putting him through the summary process of special outfitting!" continued George.

The poor Yankee looked as if he were palsied, got down from the bench, and approached the table, trembling like a plantation negro with the chills, and muttering some declaration of his innocence in an unintelligible voice; while four negroes, who had been standing in a distant corner, came forward at the words, "Oh, boys!"

"What was the charge against your man, George?" inquired the tall man, running his brawny fingers through his crispy hair, and drawing his face into painful contortions.

"Why, we knew he was a Yankee from his looks, and an abolitionist at that; for my bright feller, Jim Crack, heard him say to Aunt Peggy, the washerwoman, 'What a pity you're a slave!' And I'd take Jim Crack's word afore I would an abolitionist's, in such cases as them. And then he added insult to injury by asking Mr. Havel-

* A drunken frolic.

port, a gentleman what boarded in the same house, how he'd like to be a slave? Wasn't that enough to make him smell what kind o' folks he had to deal with out South! We larn them uncivilised Yankees and Englishmen to behave like gentlemen when they come here. We doused him after we had given him a jolly good ride, and I reckon the way he left town this morning wasn't slow."

"Good! good!! good!!! Hip, hip, hurra! hurra!! hurra!!! Bravo! Let us drink to the riddance and the junior committee!" resounded and re-echoed in long and loud peals. "Let us drink the round, and reckon right upon the next. There's nothing like vigilance law, promptly applied," interrupted the corpulent man; and they filled glasses, and drank to the line of *thirty-six-thirty or fight*, and death to the compromise.

After this, George took his seat, introduced the captain to the committee as a new-comer, a good Scotchman, sound on the abolition question, and then invited him to join in a smash. Very soon, a little man, more pedantic than the rest, and apparently the judge-advocate of the party, arose with all the dignity of the learned profession, and preferred the charges, which the unconscious Yankee listened to with nervous attention. "You are charged, sir," said he, "with being a citizen of New Hampshire—the land of green Yankees and rank abolitionists—the State where Senator Hale comes from. And you are charged with interfering with the rights of Southerners, inasmuch as you have been twice caught in "*bright houses*," associating with the property of other gentlemen, the enjoyment of which they claim exclusive right to. And you have been heard to say that you would as leaves

marry a certain bright piece of property as any lady in the city. These are grave charges against a Yankee from New Hampshire, without credentials. You must now produce the square testimony that you are sound upon all popular questions in the South, and clear yourself, or you'll be accommodated with a new suit of our best fixings."

"Well, yer sees how I hadn't got the tarnal hang of your difference atween white whites and white niggers; 'twarn't cos I know'd. Gracious! Why, mister, I was jist as unconscious about the distinction as if 'twas two sides of sole leather," replied our unconscious Yankee friend.

"That's not toeing the mark. What are your principles?" inquired the judge-advocate peremptorily.

"Well, now, mister, ye've got a start on me there. I han't fixed my mind on them things jist yet, for I've e'ne just bin a month in town."

"Then you have no fixed opinions upon the popular questions of the South? What do you think of the division of new territory into slave and free States, the Missouri lines, thirty-six-thirty? that's what we want to get at to drive all the Englishmen and Yankees out of the Slave States. Which do you think best, Clayton or Clay's measures? Or don't you know anything at all about the Compromise Question? Come, you must give us a point, so that we can test your principles, and bring up this Englishman!"

"Well, now, fellers, yer jist crowdin' the mourners a little too nice. If I'd know'd they gin folks new clothes in this kind o' shape out here, I'd never left New Hampshire. I warn't an abolitionist afore I left hum; but,

by je-whu! ther's no tellin' what I'll be 'afore I gets hum."

"Then it seems to have been a mistake on your part, Mr. Yankee? Now, you must answer me two questions. Did you know that you were interfering with the rights of Southerners—that your language was incendiary? and had you any intention of disturbing the peace of our institution?"

"Well, now, mister, it's tarnal hard on both sides. I don't seem t'a git the hang o' these diggins. Shan't I ax a question or two afore I ansers yourn?"

"Come! talk her up, Yankee, and none of your dodging!" demanded Mr. Crambo.

"He's a fool, or a green Yankee!" said another.

"Not a bit of it; he's like all Yankees, full of low cunning, and as shrewd as seventy. But we bring 'em our protectors," rejoined the corpulent man. "Talk up! talk up!"

"If I must, I must; but seems to me how you got a mighty big process of manufacturing abolition sentiments out here, if this is the way yer sarve a feller what talks to a white lady out here, and don't know she's a nigger. I cum out here to start up somethin' to dew in the way o' carpenterin', and nothin' shorter; but I ha'n't made a raise yet. 'Twouldn't be bad accommodation to pay a feller's passage hum; but I decidedly object to the new dress."

"You mean the tar and feathers, Mr. Yankee?" interrupted Crambo.

"Well, I had a kind of a notion that way."

"Now, we must come to the p'inte. Will you pledge your honour to stand by the slavery question and advo-

cate the line of *thirty-six-thirty;* and further declare that you were unconscious of interfering with the reserved rights of Southern gentlemen?"

"Seeing how it's to 'commodate you, and don't cost much, I don't care much if I do. Just have yer own way about it, while yer in for a good time. 'Ta'n't bad riding on a rale; but I say agin, I an't no notion of being an institution for your kind o' new clothes."

"You see, we've got four intelligent niggers here, who have watched your associations, and are ready to testify against you."

"How's that ere? Niggers' testimony a'n't worth three cents, and those ere white gal niggers wouldn't go down our county!"

"Ah! this is another affair. We make our own judiciary, and take what testimony we please in these cases," replied Mr. Crambo.

"Well, gentlemen!" said the corpulent man at the head of the table, throwing his felt hat upon the floor, and deliberately pouring another glass of brandy from the decanter. "I think he's more of a fool than knave."

"He's all right, he's all right! I wager my nigger Sam, that he'll make a tip-top politician yet, and be as sound as a roach on the slavery question. It was all for want of experience, a practised eye. He's green, that's all," said the judge-advocate, with a hearty good laugh, in which they all joined, and took another bumper, inviting the unconscious Yankee to join, and drinking his further prospects and experience in matters of Southern etiquette. So, with assurances to live up to the line of thirty-six-thirty, and be a good Southerner in all things pertaining to slavery, he was allowed to

join the "crowd," and became one of its jolly fellows, much to the dissatisfaction of little George, who had been counting the pleasantry of a "first-rate time," in tarring and feathering a Yankee on the next night. His acknowledgments, however, were only produced by exigency, for he returned to his native State in a few months, and became a most inveterate abolitionist, going from town to town, lecturing upon the cause, and describing the grotesque scenes of Southern life.

All this time the Englishman remained perched upon the bench in serious silence. The gentlemen of the committee had become tolerably mellow—that is to say, the liquid was getting very low in the bottles, and their ideas were getting very high.

"Bring the Englishman up, and let us try him. He's a buff; but he don't seem to be jolly, as most Englishmen are!" said the judge-advocate.

"I have a motion to make," said Mr. Crambo, pulling the long red hair over his mouth—"that is, that there be no trifling with these fellows!"

"Explain yourself, sir! I hold you answerable for such personal language. You are a coward," rejoined the advocate, and, at the moment, seized a tumbler and threw it with full force across the table at Mr. Crambo. This was the point of a general *mêlée*—revolvers, dirks, and sword-canes were drawn; bottles, tumblers, decanters, tables, benches, and baskets, were thrown upon the floor, and smashed to pieces; while Mr. Crambo and the judge-advocate were clenched, and making desperate use of their dirks. The others were making the matter worse by endeavouring to separate them, in order that it might stand until the next day, to be settled according to the

rules of honour. The four negroes, who had been waiting to give in their testimony against the Englishman, became alarmed at the desperate conflict; and in running for the door, in the partial darkness, stumbled against a table, upon which stood a camphine-lamp, which they overturned and set the whole liquid in a flame. The alarm attracted all attention, and brought the belligerents to the rescue. Master George was not to be outdone in his intrepidity; so, seizing the corpulent gentleman's cloak from his shoulders, he threw it over the flame and soon extinguished it, to the total destruction of the cloak.

"All's well that's meant well!" exclaimed George; "it'll only be a new job for the tailor, Mr. Broadside."

The gentleman did not seem pleased; but as he seemed most anxious to reconcile matters, and try the Englishman's case, he said but little more about it. The *émeute* was to remain in *statu quo*, upon honourable terms, until morning. The judge-advocate declined to proceed with the next case; and, after they had all taken their seats, the tall man with the crispy grey hair assumed the office.

The Englishman seemed quite undaunted, and came forward to hear the charge read with a great deal of composure and indifference. The charge was similar to the other, with the exception of a slight mistake made on the part of the Englishman, against whom the additional charge of proposing to elope with a nigger was preferred! He was a middle-sized man, rather stoop-shouldered, well dressed, with sharp features and an intelligent countenance, which became more and more animated as he approached the table.

"Grave charges are brought against you, my good

fellow! You were seen by two nigger fellows in company with a wench, that you allowed to lean upon your arm, and paid the attention of a white to her, while allowing her to walk under your umbrella!" said the judge-advocate.

"If I have committed a crime, I demand to be tried by a proper tribunal. I'm an Englishman."

"We don't care for that; this is the tribunal we try abolitionists before. We learn Englishmen that we do things in a liberal sense down South. Do you not know our penalty for such outrageous breaches of etiquette? To allow a nigger to take your arm is to make a nigger of yourself; but you have doubly compromised your right to Southern generosity by conspiring to elope with her and cheat her owner."

"I cannot understand you! Speak good English," replied the Englishman, with seeming surprise.

"You must not be insolent. You are suspected of being an abolitionist from the manner in which you were seen with Sam Stoke's Matilda. You might as well own it right up, now, and we'll make the tar and feathering as light as possible."

The Englishman looked more dumbfounded than ever. "If I were not an abolitionist, you would make me one. Your treatment is enough to make abolitionists of the world. I reserve my answers!"

"You are a type of your country—always interfering with our niggers and our institutions, and doing it in an irresponsible manner," rejoined the advocate.

"What less can you expect? You disregard the rights of my country, through the influence of slavery, and then tell her she has no right to interfere. Where you give

her the right, you must expect her to use it. See how you have treated poor Pereira! Has she not a right to interfere there, and demand justice?"

"He's only a nigger; and it would sarve 'em right to tar and feather all who have taken up for him!" replied Mr. Crambo pertinently.

"It's not just as you say. You must remember that Governments are not persons, but persons make Governments," returned the Englishman.

"Just like the impertinence of your consul!" interrupted the corpulent gentleman.

"Our consul—"

"I want a word there!" interposed the captain, starting to his feet.

"Worse and worse! The fellow is twice as impudent as an abolitionist; and I begin to see through the whole of it. He thinks that abolition consul will protect him," ejaculated another.

"One moment, captain. I want to say something upon this case of my countryman. Now, what does your paltry local government complain of?—rights, and those very rights which she denies others. Your feelings and prejudices were before Mr. Mathew. He paid them due compliment; and while there is no impropriety in the procedure, he has double ground to base his appeal to the Federal Government upon. Nothing is justice that seeks justice with you. Upon the same ground that your vigilance-committee are about to try me—"

"I think there's something in that!" said little George, arising from his seat, with an amazing deal of dignity pictured in his countenance. "Consul Mathew deserves credit for his independence; and it becomes a question

whether he for presenting the prayer of his Government to the State Legislature, or the State Legislature for treating it in the manner it did, was most reprehensible. I'm opposed to giving the English cause to join with the infernal abolitionists!"

"Yes," again interrupted the captain. "The one asked to be heard in a common cause, supported by laws of God and man, human rights, and justice; the other refused it upon popular prejudice. And yet you say, 'Slavery is ours—your countrymen have no right to interfere with it,' forgetting how far it interferes with their rights. This is might right—our justice in ourselves."

At this, two or three voices spoke up. "Well, I reckon the feller's pretty well posted on things t'other side the big pond!" said one. "We mustn't let these fellers talk in this strain of independence," said another. "Circumstances and prayers don't amount to much. We must try him upon the charges, and not allow him to sauce us in a Southern country," joined another.

"You clothed the question with the fears of slavery, and yet put it into the hands of restless politicians and large slaveholders, whose prejudices have been manifested for years."

The vigilance-committee were evidently becoming alarmed at the independence of the English, who claimed to be protected by their country; but, in order to assume a jolly indifference, they had ordered another supply of spiritual refreshment, and filled their glasses, inviting all present to join in with them.

"One word more," said the Englishman. "You seek to destroy moderate sentiment, instead of building up a conservative power to develope the commercial wealth of

your State. You ask how your city has lost its balance of trade, while your politicians are setting up the impediments of its downfall; and yet you seek through fear to obtain that which can only be obtained through justice. You forget that this question of imprisoning foreign seamen, which has been mooted here, involves a principle deeply rooted in both natural and national law, which makes the common question, How far South Carolina, in her relation to the Federal Government, is bound to regard the rights and privileges of citizens of other nations? The coloured man is as much recognised by the constitution of Great Britain, and his suffrages regarded as a citizen, as the whitest of her subjects. Upon the scale that you arrogate this power to yourselves, Great Britain, and other European powers, might ask themselves how far their right to control their laws of citizenship extended? You forget that the right of protection is, according to the statutes of England, as much the inheritance of the black man as the white; and that he has as much right to claim it from his Government. What right, then, have you to reject that which is considered a first principle in the government of Great Britain? Upon the same principle, you could refuse to recognise a limitation in your authority, and place the forfeiture of the most sacred national obligations at naught. You violate the strongest bond privilege of treaty stipulations, and insist upon the right to make a specific classification in the citizenship of those nations, to conserve a paltry local statute.

"You forget that the many small restrictions in trade make a large gross; and that those persons against whom you get up these unheard-of excitements, amusing your-

selves by clothing men in tar and feathers, carry those embittered feelings home with them, when they recoil upon you with tenfold power. Cease to bring yourselves in contact with Englishmen, and Englishmen will cease to interfere with your institution," continued the captain.

"Well, he don't talk bad for an Englishman," whispered one of the gentlemen.

"I'll bet five dollars you get into a scrape, if you talk that way out of doors," ejaculated another.

"Captain, you'd better be cautious," said little George. "If it was to get about that you were an abolitionist, England could not save you."

"We must proceed with the incendiary case," said the judge-advocate, looking at the victimised Englishman. "What was your object, sir, in treating a nigger gal with so much attention?"

"You must be more clear in your questions. I don't comprehend you," returned the accused.

"Did you not allow a wench to take your arm, and you accompany her home with an umbrella over her head?"

"No, indeed! No, indeed! Never did such a thing in my life. I met a most beautiful lady the other day, with blue eyes and fair flaxen hair, and a skin as white as alabaster—features full of symmetry, and with as much grace of action as a Regent-street *belle*, and a form that seemed to have been moulded for a Venus. It rained; and as she was beautiful, the poetry of my feelings heaved with emotions, and I did the genteel by offering to shield her with my umbrella, and afterwards had the honour of supporting her on my arm."

"Did you not discern that she was property?" grumbled the corpulent man.

"Property? I would love to prize such loveliness in my heart, and show her beauty to the world for a model!"

"High! high! high! Outrage! outrage! outrage! Here's the whole disclosure of his abolition principles. The act is too openly acknowledged." And at this they all arose, and, without hearing any further explanation, gave him due notice that placards would be posted at ten on the following morning, and, unless he left the city, in the boat, at three o'clock in the afternoon, he would be taken by force of arms at eight o'clock, led by the junior committee into a public square, and there gratuitously furnished with a new dress, according to a sample of a large quantity always kept on hand by the vigilance-committee, and, then and there, further accommodated with a rail and two negroes, and ridden beyond the limits of the State, to the water's edge.

Then, at half-past twelve o'clock, they adjourned *sine die*. The captain and George retired to their homes, and the Englishman to his, to meditate upon the issue of the sentence. On the following morning documents were exchanged; and *an affair of honour* came off a few days afterward between Mr. Crambo and the judge-advocate, one of the combatants being severely wounded.

It was only a slight mistake on the part of the Englishman, the result of inexperience, for he had only been in the city a few days. The sequel is soon told.

He was walking in the grove one afternoon, and observing a very pretty young lady sauntering toward the main road, evidently fearing the effect of a shower that was just coming on, he approached her, and politely offered the protection of his umbrella, which, although nervously, she accepted, and eventually his arm. Cap-

tivated with her beauty,* and not imagining that she was a mere piece of property, he accompanied her to her home, and was not a little surprised when she left him at the gate instead of the front-door. There was a secret in her reserve which the Englishman could not solve; for no inexperienced eye would have detected the negro in such a beautiful creature—in fact, as far as blood was concerned, there was none, for her mother had a white skin, and her father was one of the "*first men.*" Excited by her beauty, he visited the grove every afternoon for some days during his stay, meeting her on several occasions, until their feeling became mutual, and, in the exuberance of their love for romance, they had agreed upon an elopement, she not disclosing the secret of her slavery; thus the fatal error of our victim before the vigilance committee.

* These little mistakes frequently occur in our city; and strangers, especially those given to loving at first sight, become desperately captivated with some beautiful creature they see—with her raven tresses, languishing eyes glowing with the soul of love, and countenance full of classic beauty, without supposing that they belong to the property race. It is extremely amusing to see how soon the charm is dispelled when the fact is discovered. The practical illustration is full of painful incidents, opening new themes in the theory of affections, and showing how charms soon vanish, when it is found that they can be purchased at a small price. Our mistaken English friend, fearing the protection of his Government, anticipated his new suit and rail-ride by leaving in the boat on the next afternoon.

CHAPTER XIX.

LITTLE TOMMY AND THE POLICE.

WE must take the reader back to the old jail, where we saw Tommy in high glee, spreading his haversack and receiving the thanks that were bestowed upon himself and the captain for their kindness; and, again, to where the scene closed with the drawing of a poor negro from the narrow aperture in the chimney. After quiet was restored, they commenced gathering up the broken glass and ware that lay strewn around the cell, and preparing their blankets for the night. "Stop!" said Copeland. "We must return thanks for the kindness that has been bestowed upon us to-night—let us not be ungrateful to Him who presides over us all." And they knelt in a circle while he breathed a prayer to heaven, full of spirit and consolation—beseeching forgiveness for those who had no forgiveness in themselves, and asking a divine blessing for those who were kind to them—who looked upon the black man through the light of heavenly love.

The pure spirit and gratitude pictured by this variously-tinted group, pouring forth their warm and fervent prayers, bespoke the very soul of natural Christianity clothed in the fervency of love for Christ. Kindness was recompensed—it had touched the fountain of their feelings, and gratitude gushed forth. Kindness,

in its smallest token, to a prisoner, is like the golden radiance of the rising sun, spreading its beauties over the dark shadows of fading night. It touches the tenderest chords of nature, making the heart to rest, and spreading a halo over the gloomy scenes that surround him. It is a living token that some kind thought remembers him; and he enjoys the spirit that bounds within him, and says, "I've a friend left."

It was now near ten o'clock, and Daley came to announce that it was time to close the prison, and that all strangers must withdraw. Tommy had insisted upon stopping with Manuel during the night; but Daley,* in a very rude manner, told him it was against the rules, and, putting his hand to his back, pushed him out of the cell and secured the bolts. The little fellow felt his way through the passage and down the stairs in the dark, until he reached the corridor, where the jailer stood waiting to let him pass the outer iron gate. "You've made a long stay, my little fellow! You'll have a heap o' trouble to find the wharf at this time o' night. I'd a let you stopped all night, but it's strictly against the sheriff's orders," said the jailer, as the boy passed into the street, at the same time giving him a list of imperfect directions about the course to proceed.

The jail is in a distant and obscure part of the city, surrounded by narrow streets and lanes, imperfectly laid

* This man Daley was a proverbial drunkard, a tyrant in the exercise of his "little brief authority," and a notorious ——. Singular as it may seem, considering his position, he would quarrel with the men for a glass of whiskey, bad given the jailer more trouble than any other man, and been several times confined in the cells for his incorrigible vices. If anything more was wanting to confirm our note, we could refer to Colonel Condy, the very gentlemanly United States marshal.

out, and undefined. In leaving the walls of the prison, he mistook his direction, and the night being very dark, with a light, drizzling rain, which commenced while he was in the prison, the whole aspect of things seemed reversed. After travelling about for some time, he found himself upon a narrow strip of land that crossed a basin of water, and led to Chisholm's mill. The different appearance of things here convinced him of his error. Bewildered, and not knowing which way to proceed, he approached a cross road, and, sitting down upon a log, wept bitterly. He soon heard a footstep, and, as it approached, his cares lightened. It proved to be a negro man from the mill,* bound into the city on the usual errand of procuring a bottle of molasses. When he first discovered Tommy, he

* These mills are worked all night, and the poor negroes, wishing to follow an example which massa sets on a grand scale, save that they have an excuse in the fatigue of labour, will delegate some shrewd one of their number to proceed to a Dutch "corner-shop" in the suburbs, run the gauntlet of the police, and get a bottle of whiskey. When interrogated, they are always "going for a bottle of molasses." They keep a keen watch for the police, and their cunning modes of eluding its vigilance forms many amusing anecdotes. They are bound to have a pass from master, or some white man; but if they can reach the shop in safety, the Dutchman will always furnish them with one to return. It not unfrequently happens that the guardmen are much more ignorant than the slaves. The latter, knowing this, will endeavour to find their station and approach by it, taking with them either an old pass or a forged one, which the guardman makes a wonderful piece of importance about examining and countersigning, though he can neither read nor write. Thus Sambo passes on to get his molasses, laughing in his sleeve to think how he "*fool ignorant buckra.*" A change of guard often forms a trap for Sambo, when he is lugged to the guard-house, kept all night, his master informed in the morning, and requested to step up and pay a fine, or Sambo's back catches thirty-nine, thus noting a depression of value upon the property. Sometimes his master pays the municipal fine, and administers a domestic castigation less lacerating.

started back a few paces, as if in fear; but, on being told by Tommy that he was lost, and wanted to find his way to the wharfs, he approached, and, recovering confidence readily, volunteered to see him to the corner of Broad-street. So, taking him by the hand, they proceeded together until they reached the termination of the causeway, and were about to enter Tradd-street, when suddenly a guardman sprang from behind an old shed. The negro, recognising his white belt and tap-stick, made the best of his time, and set off at full speed down a narrow lane. The watchman proceeded close at his heels, springing his rattle at every step, and pouring out a volley of vile imprecations. Tommy stood for a few moments, but soon the cries of the negro and the beating of clubs broke upon his ear; he became terrified, and ran at the top of his speed in an opposite direction. Again he had lost his way, and seemed in a worse dilemma than before; he was weary and frightened, and hearing so many stories among the sailors about selling white children for slaves, and knowing the imprisonment of Manuel, which he did not comprehend, his feelings were excited to the highest degree. After running for a few minutes, he stopped to see if he could recognise his position. The first thing that caught his eye was the old jail, looming its sombre walls in the gloomy contrast of night. He followed the walls until he reached the main gate, and then, taking an opposite direction from his former route, proceeded along the street until he came to a lantern, shedding its feeble light upon the murky objects at the corner of a narrow lane. Here he stood for several minutes, not knowing which way to proceed; the street he was in continued but a few steps farther, and, turn which ever way he would, darkness and

obstacles rose to impede his progress. At length he turned down the lane, and proceeded until he came to another junction of streets; taking one which he thought would lead him in the right direction, he wandered through it and into a narrow, circuitous street, full of little, wretched-looking houses. A light glimmered from one of them, and he saw a female passing to and fro before the window. He approached and rapped gently upon the door. Almost simultaneously the light was extinguished. He stood for a few minutes, and again rapped louder than before; all was silent for some minutes. A drenching shower had commenced, adding to the already gloomy picture; and the rustling leaves on a tree that stood near gave an ominous sound to the excited feelings of the child. He listened at the door with anxiety and fear, as he heard whispers within; and as he was about to repeat his rapping, a window on the right hand was slowly raised. The female who had been pacing the floor protruded her head with a caution that bespoke alarm. Her long, black hair hanging about her shoulders, and her tawny, Indian countenance, with her ghost-like figure dressed in a white habiliment, struck him with a sort of terror that well-nigh made him run.

"Who is that, at this time of night?" inquired the woman, in a low voice.

"It's only me. I'm lost, and can't find my way to our vessel," said Tommy, in a half-crying tone.

"Mother," said the woman, shutting the window, "it's only a little sailor-boy, a stranger, and he's wet through."

She immediately unbarred and opened the door, and invited him to come in. Stepping beyond the threshold, she closed the door against the storm, and, placing a chair

at the fire, told him to sit down and warm himself. They were mulatto half-breeds, retaining all the Indian features which that remnant of the tribe now in Charleston are distinguished by—a family well known in the city, yet under the strictest surveillance of the police. Everything around the little room denoted poverty and neatness. The withered remnant of an aged Indian mother lay stretched upon a bed of sickness, and the daughter, about nineteen years old, had been watching over her, and administering those comforts which her condition required. "Why, mother, it's a'most twelve o'clock. I don't believe he'll come to-night,* and this little boy can stop till morning in our room up-stairs," said she, looking up at an old Connecticut clock that adorned the mantel-piece. As she raised those dark, plaintive eyes, her countenance seemed full of meek grace and beauty, that generosity ennobled and made more lovely. Could the poet have touched his lyre upon the history of that poor girl, it would arouse the chords of every feeling heart. He might say in the language of one who has spoken of her race—

And all the world says, Christian, come!
Arise, O bondman! go, be free!
But, lo! my kinsman, where is he?

"Oh, I could not stay all night! The mate would be uneasy about me, and might send the crew to look for me. I'm just as thankful, but I couldn't stop," said Tommy.

* She awaited her *friend*, or rather he whose mistress she had condescended to be, after passing from several lords. The history of this female remnant of beautiful Indian girls now left in Charleston is a mournful one. The recollection of their noble sires, when contrasted with their present unhappy associations, affords a sad subject for reflection.

"But you never can find the bay on such a night as this! and I've no pass, or I would show you into Broad-street, and then you could find the way. I am afraid of the guardmen, and if they caught me and took me to the station, my friend would abuse me awfully," said Angeline, for such was her name; and she laid her hand upon his arm to feel his wet clothes.

He now arose from the chair, and, putting on his hat, she followed him to the door and directed him how to proceed to find Broad-street.

He proceeded according to her directions, and soon found it. Now, he thought, he was all right; but the wind had increased to a gale, and having a full sweep through the street, it was as much as he could do to resist it. He had scarcely reached half the distance of the street when it came in such sudden gusts that he was forced to seek a refuge against its fury in the recess of a door. He sat down upon a step, and, buttoning his little jacket around him, rested his head upon his knees, and, while waiting for the storm to abate, fell into a deep sleep. From this situation he was suddenly aroused by a guardman, who seized him by the collar, and, giving him an unmerciful twitch, brought him headlong upon the sidewalk.

"What are you at here? Ah, another miserable vagrant, I suppose! We'll take care of such rascals as you! Come with me. We'll larn ye to be round stealing at this time of night."

"No, sir! no, sir! I didn't do nothin'!"

"Shut up! None of your lyin' to a policeman, you young rascal! I don't want to hear, nor I won't stand your infernal lies."

"Oh, do, mister, let me tell you about it, and I know you won't hurt me. I'm only going to the vessel, if you'll show me the way," said the little fellow imploringly.

"Stop yer noise, ye lying young thief, you! Ye wouldn't be prowling about at this time o' night if ye belonged to a vessel. 'Pon my soul, I believe yer a nigger! Come to the light," said the guardman, dragging him up to a lamp near by. "Well, you ain't a nigger, I reckon, but yer a strolling vagrant, and that's worse," he continued, after examining his face very minutely. So, dragging him to the guardhouse as he would a dog, and thrusting him into a sort of barrack-room, the captain of the guard and several officials soon gathered around him to inquire the difficulty. The officers listened to the guardman's story, with perfect confidence in everything he said, but refused to allow the little fellow to reply in his own behalf. "I watched him for a long time, saw him fumbling about people's doors, and then go to sleep in Mr. T——'s recess. These boys are gettin' to be the very mischief—most dangerous fellows we have to deal with," said the policeman.

"Oh, no! I was only goin' to the brig, and got turned round. I've been more than two hours trying to find my way in the storm. I'm sure I ain't done no harm! If ye'll only let me tell my story," said Tommy.

"Shut up! We want no stories till morning. The mayor will settle your hash to-morrow; and if you belong to a ship, you can tell him all about it; but you'll have the costs to pay, anyhow. Just lay down upon that bench, and you can sleep there till morning; that's better than loafing about the streets," said the captain of the guard, a large, portly-looking man, as he pointed Tommy to a long bench, similar to those used in barrack-rooms.

The little fellow saw it was no use to attempt a hearing, and, going quietly to the bench, he pulled off his man-o'-war hat, and, laying it upon a chair, stretched himself out upon it, putting his little hands under his head to ease it from the hard boards.

But he was not destined to sleep long in this position, for a loud groaning noise at the door broke upon their ears through the pelting fury of the storm, like one in agonising distress.

"Heavens! what is this?" said the captain of the guard, suddenly starting from his seat, and running for the door, followed by the whole posse. The groans grew louder and more death-like in their sound, accompanied by strange voices giving utterance to horrible imprecations, and a dragging upon the floor. The large door opened, and what a sight presented itself! Three huge monsters, with side-arms on, dragged in the poor negro who proffered to show Tommy into Broad-street. His clothes were nearly torn from his back, besmeared with mud from head to foot, and his face cut and mangled in the most shocking manner. His head, neck, and shoulders were covered with a gore of blood, and still it kept oozing from his mouth and the cuts on his head. They dragged him in as if he was a dying dog that had been beaten with a club, and threw him into a corner upon the floor with just about as much unconcern.

"O massa! massa! kill me, massa! den 'em stop sufferin'!" said the poor fellow, in a painful murmur, raising his shackled hands to his head, and grasping the heavy chain that secured his neck, in the agony of pain.

"What has he done?" inquired the officer.

"Resisted the guard, and ran when we told him to

stop," responded a trio of voices. "Yes, and attempted to get into a house. Ah, you vagabond, you! that's the way we serve niggers like you! Attempt to run again, will you? I'll knock your infernal daylights out, you nigger, you!" said one of the party.

"It does seem to me that you might have taken him and brought him up with less severity," said the officer.

"What else could we do, sure? Didn't we catch him prowling about with a white fellow, and he runn'd till we couldn't get him? Indeed, it was nothing good they were after, and it's the like o' them that bees doing all the mischief beyant the city."

"An' 'imself, too, struck Muldown two pokes before he lave de hancuffs be pat upon him at, all," said another of the guardmen; and then, turning round, caught a glimpse of poor little Tommy, who had been standing up near a desk during the scene, nearly "frightened out of his wits."

"By the pipers!—what, and is't here ye are? the same that was with himself beyant! Come here, you spalpeen, you! Wasn't ye the same what runn'd whin we bees spaken to that nigger?" said the same guardman, taking hold of Tommy's arm, and drawing him nearer the light.

"Yes, he was coming along with me, to show me——"

"Stop!—you know you are going to lie already. Better lock 'em both up for the night, and let them be sent up in the morning," said another.

"Then you won't let me speak for myself!"

"Hush, sir!" interrupted the officer. "You can tell your story in the morning; but take care you are not a vagrant. If it's proved that you were with that nigger

at an improper hour, you'll get your back scarred. Come, you have owned it, and I must lock you up."

Without attempting to wash the blood off the negro, or dress his wounds, they unlocked the handcuffs, and loosened the chain from his neck, handling him with less feeling than they would a dumb brute. Relieved of his chains, they ordered him to get up.

The poor creature looked up imploringly, as if to beg them to spare his life, for he was too weak to speak. He held up his hands, drenched with blood, while beneath his head was a pool of gore that had streamed from his wounds. "None of your infernal humbuggery—you could run fast enough! Just get up, and be spry about it, or I'll help you with the cowhide," said the officer, calling to one of the guardmen to bring it to him. He now made an effort, and had got upon his knees, when the guardman that seemed foremost in his brutality fetched him a kick with his heavy boots in the side, that again felled him to the ground with a deep groan.

"Ot-tut! that will not do. You musn't kill the nigger; his master will come for him in the morning," said the officer, stooping down and taking hold of his arm with his left hand, while holding a cowhide in his right. "Come, my boy, you must get up and go into the lock-up," he continued.

"Massa! O good massa, do—don't! I's most dead now, wha'foi ye no lef me whare a be?" said he in a whining manner,. and, making a second attempt, fell back upon the floor; at which two of them seized him by the shoulders, and dragging him into a long, dark, cell-like room, threw him violently upon the floor. Then returning to the room, the officer took Tommy by the arm, and,

marching him into the same room, shut the door to smother his cries. The little fellow was so frightened that he burst into an excitement of tears. The room was dark, and as gloomy as a cavern. He could neither lie down, sleep, nor console himself. He thought of Manuel, only to envy his lot, and would gladly have shared his imprisonment to be relieved from such a horrible situation. Morning was to bring, perhaps, worse terrors. He thought of the happy scenes of his rustic home in Dunakade, and his poor parents; but nothing could relieve the anguish of his feelings. And then, how could he get word to his captain? If they were so cruel to him now, he could not expect them to be less so in the morning. In this manner, he sat down upon the floor with the poor negro, and, if he could do nothing more, sympathised with his feelings. The poor negro murmured and groaned in a manner that would have enlisted the feelings of a Patagonian; and in this way he continued until about three o'clock in the morning, when his moaning became so loud and pitiful that the officer of the guard came to the door with an attendant, and, unbolting it, entered with a lantern in his hand. He held the light toward his face, and inquired what he was making such a noise about? "O good massa, good massa, do send for docta! Ma head got a pile o' cuts on him," said he, putting his hand to his head. The officer passed the lantern to his attendant, and, after putting a pair of gloves on his hands, began to feel his head, turn aside his torn clothes, and wipe the dirt from the places where the blood seemed to be clotted. "Good gracious! I didn't conjecture that you were cut so bad. Here, my good fellow," addressing himself to Tommy, "hold the

lantern. Michael, go get a pail of water, and some cloths," said he, very suddenly becoming awakened to the real condition of the man, after he had exhibited a coldness that bordered on brutality.

Water and cloths were soon brought. The attendant, Michael, commenced to strip his clothes off; but the poor fellow was so sore that he screeched, in the greatest agony, every time he attempted to touch him. "Be easy," said the officer, "he's hurt pretty badly. He must a been mighty refractory, or they'd never beaten him in this manner," he continued, opening a roll of adhesive plaster, and cutting it into strips. After washing him with water and whiskey, they dressed his wounds with the plaister, and bound his head with an old silk handkerchief which they found in his pocket, after which they left the light burning and retired.

After they retired, Tommy inquired of the negro how they came to keep him so long before they brought him to the guard-house? It proved that, as soon as they came up with him, the first one knocked him down with a club; and they all at once commenced beating him with their bludgeons, and continued until they had satisfied their mad fury. And while he lay groaning in the streets, they left one of their number in charge while the others proceeded to get handcuffs and chains, with which they bound him, and dragged him, as it were, the distance of four squares to the guard-house. What a sublime picture for the meditations of a people who boast of their bravery and generosity!

CHAPTER XX.

THE NEXT MORNING, AND THE MAYOR'S VERDICT.

SHORTLY after daylight, Tommy fell into a dozing sleep, from which he was awakened by the mustering of the prisoners who had been brought up during the night, and were to appear before the mayor at nine o'clock. A few minutes before eight o'clock an officer opened the cell-door, and they were ordered to march out into a long room. In this room they found all the prisoners gathered. There were three blacks and five whites, who had been arrested on different charges; and as the mayor's court was merely a tribunal of commitment—not judgment, if the charges upon which the prisoners were brought up were sustained, which they generally were, because the policeman who made the arrest was the important witness—they were committed to await the tardy process of the law.

Considerable uneasiness had been felt on board of the *Janson* for Tommy; and the captain suggested that he might have got astray among the dark lanes of the city, and that the mate had better send some of the crew to look for him. The mate, better acquainted with Tommy's feelings and attachment for Manuel than he was with the rules of the prison and Mr. Grimshaw's arbitrary orders, assured the captain that such a course would be entirely unnecessary, for he knew when he left

that he would stop all night with Manuel. This quieted the captain's apprehensions; and he said no more about it until he sat down to breakfast. "I miss Tommy amazingly," said the captain. "If he stopped all night, he should be here by this time. I think some one had better be sent to the jail to inquire for him." Just as he arose from the table, one of the crew announced at the companion that a person on deck wished to see the captain. On going up, he found a policeman, who informed him that a little boy had been arrested as a vagrant in the street last night, and, when brought before the mayor a few minutes ago, stated that he belonged to his vessel, and the mayor had despatched him to notify the master. "Circumstances are suspicious—he was seen in company with a negro of very bad habits; but if you can identify the boy, you had better come quick, or he'll be sent to jail, and you'll have some trouble to get him out," said the messenger, giving the captain a description of the boy.

"Oh, yes!" said the captain, "that's my Tommy. I verily believe they'll have us all in jail before we get away from the port." Numerous appointments engrossed his time, and he had promised to meet the consul at an early hour that morning. Notwithstanding this, he gave a few orders to the mate about getting the hatches ready and receiving the port-wardens, and then immediately repaired to the all-important guard-house. He was just in time to receive the mortifying intelligence that the mayor's court had concluded its sitting, and to see little Tommy, with a pair of handcuffs on his hands, in the act of being committed to jail by a Dutch constable. He stopped the constable, and, being told that his honour

was yet in the room, put a couple of dollars into his hand to await his intercession. Another fortunate circumstance favoured him; just as he stopped the constable, he saw his friend, Colonel S——, approaching. The colonel saw there was trouble, and, with his usual characteristic kindness, hastened up and volunteered his services.

We must now return to the arraignment, as it proceeded after the messenger had been despatched.

The negro confined with Tommy presented a wretched picture when brought into the light room among the other prisoners. His head was so swollen that no trace of feature was left in his face. Cuts and gashes were marked with plaster all over his neck and face; his head tied up with an old red handkerchief; his eyes, what could be seen of them, more like balls of blood than organs of sight; while the whiskey and water with which his head had been washed had mixed with the blood upon his clothes, and only served to make its appearance more disgusting. Altogether, a more pitiful object never was presented to human sight.

Some minutes before the clock struck nine, an intelligent-looking gentleman, very well dressed, and portly in his appearance, entered the room. He was evidently kindly disposed, but one of those men whose feelings prompt them to get through business with despatch, rather than inquire into the circumstances of aggravated cases. He held a consultation with the officer for some minutes with reference to the prisoners. After which he mounted a little tribune, and, addressing a few words to the white prisoners (a person who acted the part of clerk announced court by rapping upon a

desk with a little mallet), inquired whether the officers had notified the owners of the negroes. Being informed that they had, he proceeded with the negroes first. One, by some good fortune, was taken away by his master, who paid the usual fee to swell the city treasury; another was sentenced to receive twenty paddles on the frame at the workhouse; and the third, the man we have described, being brought forward, weak with the loss of blood, leaned his hand upon the back of a chair. "Stand up straight!" said the officer, in a commanding tone.

"Now, my boy, this is twice you have been before this court. Your master has left you to the mercy of the law, and given strict orders to the police in the event that you were caught a third time. Your crime is worse now, for you were caught in company with that white boy, probably on some errand of villany, prowling about the streets after *drum-beat.* I shall, in consideration of the facts here stated by the police, whose evidence I am bound to recognise, sentence you to nineteen paddles on the frame, and to be committed to jail, in accordance with your master's orders, there to await his further directions.

"Arraign the white prisoners according to the roll, Mr. ——. Have you sent a message to the captain about that boy?" inquired the mayor.

"No, yer honour; but I will send at once," said the officer, stepping into the passage and calling an attendant.

The little fellow was arraigned first. He stood up before the mayor, while the ruffianly policeman who arrested him preferred the charges and swore to them, adding as much to give colouring as possible. "Now, my man, let me hear what you have got to say for yourself. I have

sent for your captain," said the mayor, looking as if he really felt pity for the little fellow.

He commenced to tell his simple story, but soon became so convulsed with tears that he could proceed no further. "I only went to the jail to see Manuel, the steward, and I got lost, and begged the black man to show me the way," said he, sobbing.

"Well, I have heard enough," said the mayor, interrupting him. "You could not have been at the jail at that time o' night—impossible! It was after hours—contrary to rules—and only makes the matter worse. You can stand aside; and if the captain comes before court is through, we will see further; if not, you must be committed as a vagrant. I'm afraid of you young strollers."

The officer of the guard, as if the poor boy's feelings were not already sufficiently harassed, took him by the arm, and, pushing him into a corner, said, "There, you young scamp, sit down! You'll get your deserts when you get to the jail."

He sat down, but could not restrain his feelings. The presence of the captain was his only hope. He saw the prisoners arraigned one by one, and join him as they were ordered for committal. He was handcuffed like the rest, and delivered to the constable. The reader can imagine the smile of gladness that welcomed the captain's timely appearance. The latter's exhibition of feeling, and the simple exclamation of the child's joy, formed a striking picture of that fondness which a loving child manifests when meeting its parents after a long absence.

"Take the irons off that child," said the colonel to the constable. "A man like you should not put such symbols of ignominy upon a youth like that."

"I would do anything to oblige you, colonel; but I cannot without orders from the mayor," returned the man very civilly.

"I'll see that you do, very quick," rejoined the colonel impatiently; and, taking the little fellow by the arm in a compassionate manner, led him back into the presence of the mayor, followed by the captain.

"I want to know what you are committing this lad for," said the colonel, setting his hat upon the table, while his face flushed with indignation.

"Vagrancy, and caught prowling about the streets with a negro at midnight. That is the charge, *colonel*," replied the mayor, with particular condescension and suavity.

"Was there any proof adduced to substantiate that fact?"

"None but the policeman's; you know we are bound to take that as *primâ facie*."

"Then it was entirely *ex parte*. But you know the character of these policemen, and the many aggravated circumstances that have arisen from their false testimony. I wish to cast no disrespect, your honour; but really they will swear to anything for a fee, while their unscrupulous bribery has become so glaring that it is a disgrace to our police system. Have you heard the boy's story?" said the colonel.

"Well, he began to tell a crooked story, so full of admissions, and then made such a blubbering about it, that I couldn't make head or tail of it."

"Well, here is the captain of his vessel, a friend of mine, whom I esteem a gentleman—for all captains ought to be gentlemen, not excepting Georgia captains and

majors," said the colonel jocosely, turning round and introducing the captain to his honour. "Now, your honour, you will indulge me by listening to the little fellow's story, which will be corroborated in its material points by the statements of the captain, which, I trust, will be sufficient; if not, we shall recur to the jailer."

"It will be sufficient. I am only sorry there has been so much trouble about it," said the mayor.

The boy now commenced to tell his story, which the mayor listened to with all learned attention. No sooner had Tommy finished, and the captain arose to confirm his statements, than the mayor declared himself satisfied, apologised for the trouble it had caused, and discharged the boy upon paying the costs, the amount of which the colonel took from his pocket and threw upon the table. Thus was Tommy's joy complete; not so the poor negro whose ill-luck he shared. This high-sounding mayor's court was like Cæsar's court, with the exceptions in Cæsar's favour.

CHAPTER XXI.

EMEUTE AMONG THE STEWARDS.

SEVERAL days had passed ere we again introduce the reader to the cell of the imprisoned stewards. The captain of the *Janson* had been assured by Mr. Grimshaw that everything was comfortable at the jail, and Manuel would be well cared for. Confiding in this, the activity of the consul to bring the matter before the proper authorities, and the manner in which his own time was engrossed with his business, left him no opportunity to visit Manuel at the jail. Tommy and one of the sailors had carried him his hammock, and a few things from the ship's stores; and, with this exception, they had but little to eat for several days. Copeland had but a few days more to remain, and, together with those who were with him, had exhausted their means in providing from day to day during their imprisonment. The poor woman who did their washing, a generous-hearted mulatto, had brought them many things, for which she asked no compensation. Her name was *Jane Bee;* and when the rules of the jail made every man his own *washerwoman*, she frequently washed for those who had nothing to pay her. But her means were small, and she worked hard for a small pittance, and had nothing to bring them for several days. They were forced to take the allowance of bread, but could not muster resolution to eat the sickly meat. On

the morning of the 29th they were again forced to the hard alternative of making their breakfast upon bread and water; but, during the forenoon mustered together the sum of twenty-three cents—their all—and with it procured some smoked herrings and crackers, which served them for a meal. Night came, and they were again reduced to the pitiful change of bread and water, the former, which becomes sour so quick in that climate, was unfit for human stomach.

Those who had suffered from it before took it as a natural consequence, looking to the time of their release, as if it was to bring a happy change in their lives. But Manuel felt that it was an unprecedented outrage upon his feelings, and was determined to remonstrate against it. He knocked loudly at the door; and some of the prisoners, hearing it, reported to the jailer, who sent Daley to answer it. As soon as the door was opened, he rushed past, and succeeded in gaining the iron door that opened into the vestibule, where he could converse with the jailer, through the grating, before Daley could stop him.

The jailer, seeing him at the grating, anticipated his complaint. "Well, Pereira, what's the matter up-stairs?" said he.

"For God's sake, jailer, what am I put in here for—to starve? We cannot eat the meat you send us, and we have had little else than bread and water for three days. Do give us something to eat, and charge it to consul, or captain, an' I'll pay it from my wages when I get out, if I ever do," said he.

"My dear fellow!" said the jailer, "no one knows your case better than I do; but I am poor, and the restrictions which I am under allow me no privileges. You had all

better take your meat in the morning, if you won't take soup, and try to cook it, or get Jane to do it for you. I will give you some coffee and bread from my own table to-night, and you better say as little about it as possible; for if Grimshaw hears it, he may lock you up."

"Do; I shall be very thankful, for we are really suffering from hunger in our cell, and I pay you when I get money from captain," said Manuel, manifesting his thankfulness at the jailer's kindness.

"I will send it up in a few minutes; but you needn't trouble yourself about pay, I wouldn't accept it!" said the jailer; and, as good as his word, he sent them up a nice bowl of coffee for each, and some bread, butter, and cheese. They partook of the humble fare, with many thanks to the donor. Having despatched it, they seated themselves upon the floor, around the faint glimmer of a tin lamp, while Copeland read the twentieth and twenty-first chapters of the Acts of the Apostles. Copeland was a pious negro, and his behaviour during his imprisonment enlisted the respect of everyone in jail. Singular as the taste may seem, he had his corner in the cell decorated with little framed prints. Among them we noticed one of the crucifixion, and another of the Madonna.

After reading the chapters, they retired to their hard beds. About nine o'clock the next morning, Daley came to the door with a piece of neck meat, so tainted and bloody that its smell and looks more than satisfied the stomach.

"Here it is, boys," said he, "yer four pound; but ye's better take soup, cos ye'll niver cook that bone, anyhow."

"Do you think we're like dogs, to eat such filth as that? No! I'd rather starve!" said Manuel.

"Indeed, an' ye'll larn to ate anything whin ye'd be

here a month. But, bedad, if ye don't watch number one about here, ye's won't get much anyhow," replied Daley, dropping the bloody neck upon the floor, and walking out.

"Better take it," said Copeland. "There's no choice, and hunger don't stand for dainties, especially in this jail, where everybody is famished for punishment. If we don't eat it, we can give it to some of the poor prisoners up-stairs."

"While I have good ship-owners, and a good captain, I never will eat such stuff as that; oh, no!" returned Manuel.

The meat was laid in a corner for the benefit of the flies; and when dinner-time arrived, the same hard extreme arrived with it—bread and water. And nobody seemed to have any anxieties on their behalf; for two of them had written notes to their captains, on the day previous, but they remained in the office for want of a messenger to carry them. Fortunately, Jane called upon them in the afternoon, and brought a nice dish of rice and another of hominy.

Their feelings had been worked upon from time to time; their necessities reduced to the last stage, and insult added to injury; and yet they had borne it against the embittered consciousness of the wrong. What more could excite a state of feeling most injurious to the character and interests of a people? And yet here we have them asking to be protected against harmless men.

We will here insert a letter we received from a very worthy friend, who, though he had done much for the Charleston people, and been repaid in persecutions, was thrown into jail for a paltry debt by a ruthless creditor.

Cleared by a jury of twelve men, he was held in confinement through the wretched imperfection of South Carolina law, to await nearly twelve months for the sitting of the "Appeal Court," more to appease the vindictiveness of his enemies than to satisfy justice, for it was well understood that he did not owe the debt. His letter speaks for itself.

Charleston Jail, March 31, '52.

MY DEAR FRIEND,—I could not account for your absence during the last few days, until this morning, when Mr. F—— called upon me for a few moments, and from him I learnt that you had been quite unwell. If you are about to-morrow, do call upon me: for a more dreary place, or one where less regard is paid to the calls of humanity, cannot be found among the nations of the earth.

Such is the ordinary condition of suffering within this establishment, that men, and even women, are forced to all kinds of extremes to sustain life; and, to speak what experience has taught me, crime is more increased than reduced by this wretched system. There seems to be little distinction among the prisoners, and no means to observe it, except in what is called *Mount Rascal*, on the third storey. Pilfering is so common that you cannot leave your room without locking your door. The jailer is a good, kind-hearted old man, very often giving from his own table to relieve the wants of debtors, many of whom repay him with ingratitude; but his duties are so numerous, and his pay so small, that it is impossible for him to fill them all, though he has the requisite qualities for a much higher office. It has been the highest object of my life to see the world and the things

in it; and, much as I have travelled, I can truly say, I have seen and felt things in South Carolina that I didn't think human nature capable of inflicting upon its kind. I have suffered many privations from shipwreck and cold, but never until I came to South Carolina was I compelled to endure imprisonment, and subsist several days upon bread and water.

Talk about chivalry and hospitality! How many men could join with me and ask, "Where is it?" But why should I demur when I see those abroad who have been driven from this State to seek bread; when I hear the many voices without tell of struggling to live for want of system in mechanical employment; and when I look upon several within these sombre walls who are even worse than me? Here is a physician, with a wife and large family, committed for a debt which he is unable to pay. His father's name stands among the foremost of the State—a general of distinction, who offered his life for her in time of war, and whose name honours her triumphs, and has since graced the councils of state.* The father's enthusiasm for his country's cause led him to sacrifice his all, and by it he entailed misfortune upon his descendants. When I consider the case of Shannon, whose eleven years and seven months' imprisonment for debt, as it was called, but which eventually proved to be a question turning upon technicalities of law, gave him, body and soul, to the vindictiveness of a persecutor, whose unrelenting malignity was kept up during that long space of time. It was merely a breach of limitation between merchants,

* General Hammond, whose name occupies such a conspicuous place in the military history of South Carolina.

the rights of which should be governed by commercial custom. Shannon had amassed about twenty thousand dollars by hard industry; his health was waning, and he resolved to retire with it to his native county. The gem proved too glaring for the lynx eye of a "true Carolinian," who persuaded him to invest his money in cotton. Moved by flattering inducements, he authorised a factor to purchase for him upon certain restrictions, which, unfortunately for himself, were not drawn up with regard to legal enforcement—one of those singular instruments between a merchant and an inexperienced man which a professional quibbler can take advantage of. Cotton was at the *tip-top*, and very soon Shannon was presented with an account of purchase and draft so far beyond his limits that he demurred, and rejected the purchase entirely; but some plot should be laid to entrap him. The factor undertook the force game, notified him that the cotton was held subject to his order, and protested the draft for the appearance of straightforwardness. Cotton shortly fell to the other extreme, the lot was "shoved up" for sale on Shannon's account; Shannon was sued for the balance, held to bail, and in default committed to prison. His confinement and endurance of it would form a strange chapter in the history of imprisonment for debt. Carrying his money with him, he closed the door of his cell, and neither went out nor would allow anyone but the priest to enter for more than three years; and for eleven years and seven months he paced the room upon a diagonal line from corner to corner, until he wore the first flooring, of two-and-a-quarter-inch pine, entirely through.

I might go on and tell of many others, whose poverty

was well known, and yet suffered years of imprisonment for debt; but I find I have digressed.

I must relate an amusing affair which took place this morning between Manuel Pereira, the steward of the English brig *Junson*, which put into this port in distress, and the jailer. He is the man about whom so much talk and little feeling has been enlisted—a fine, well-made, generous-hearted Portuguese. He is of olive-complexion—as light as many of the Carolinians—more intelligent and obliging, and evidently unaccustomed to such treatment as he receives here. He has taken quite a liking to me; and it seems a consolation to him to relate the cruel treatment which he received at the hands of two notorious officers who brought him to the jail. Their tricks would be nothing new to one of your knowledge of things in Charleston, and would be uninteresting for me to relate. He will beg permission to come into my room, and seems to be quite alarmed about his fate. Knowing that, with Consul Mathew as a guardian, he is in good hands, and as he seems to take my opinions for granted, I advise him accordingly. I have received several little attentions from him in the way of attending upon me, when he is allowed to come down into the yard. He came to my room about an hour ago, to get me to send a note to his captain, entering a bitter complaint about his provender; but the most funny part was a scene which transpired.

Everything is the sheriff's here, and the sheriff is everything. There is no jail-committee. It is said there are two or three commissioners; but as their duties only pertain to the repairs of the building, a person who has been imprisoned more than three years for debt tells me that

he never has seen one of them within the walls. The State allows thirty cents per day a head for white folks, and eighteen for niggers. But it is the sheriff's, and they get what the sheriff thinks is right; the whites have a suffering endurance, and how the niggers live is a mystery the philosophy of which is best known to themselves.

Manuel appeared before the jailer's office this morning with two junks of disgusting-looking meat, the neck-bones, tainted and bloody, in each hand. His Portuguese ire was up. "Mister Poulnot, what you call dis? In South Carolina you feed man on him, eh? In my country, ah, yes! we feed him to dog. What you call him? Maybe somethin' what me no know him. In South Carolina, prison sailor when he shipwreck, starve him on nosin', den tell him eat this, eh? I sails round ze world, but never savage man gives me like zat to eat! No, I starve 'fore I eat him, be gar! Zar, you take him," said he, throwing the pieces of meat upon the floor in disdain.

"Meat! Yes, it's what's sent here for us. You mustn't grumble at me; enter your complaints to the sheriff, when he comes," said the jailer, with an expression of mortification on his countenance.

"Meat, eh? You call dat meat in South Carolina? I call him bull-neck, not fit for dog in my country. I see, when captain come, vat he do," said Manuel, turning about and going to his room in a great excitement.

"You'd better be careful how you talk, or you may get locked up when the sheriff comes."

It seems that the captain had received a note from

him, addressed by one of the white prisoners on the same floor, and reached the jail just as Manuel had ascended the stairs. He rang the bell and requested to see Manuel.

"Manuel Pereira?" inquired the jailer.

"Yes," said the captain; "he is my steward." He heard the captain's voice, and immediately returned to the lobby. The tears ran down his cheeks as soon as he saw his old protector. "Well, Manuel, I am glad to see you, but sorry that it is in imprisonment. Tell me what is the matter. Don't they use you well here?" inquired the captain.

Stepping within the office-door, he caught up the pieces of meat, and, bringing them out in his hands, held them up. "There, capitan, that no fit for man, is it?" said he. "Law send me prison, but law no give not'ing to eat. What I do dat people treat me so? Ah, capitan, bull-neck, by gar! yes—bull born in South Carolina, wid two neck. *Ils sont réduits à l'extrémité,*" said he, concluding with broken French.

"That cannot be; it's against the law to kill bulls in South Carolina," interrupted the jailer jocosely.

"Must be. I swear he bull-neck, 'cas he cum every day just like him. Bull born wid one neck no cum so many. What I get for breakfast, capitan, eh?—piece bad bread. What I get for dinner, eh?—bull-neck. Yes, what I get for supper, too?—piece bread and bucket o' water. Maybe he bad, maybe he good, just so he come. You think I live on dat, capitan?" said he, in reply to the captain's questions.

The captain felt incensed at such treatment, and excused himself for not calling before; yet he could not

suppress a smile that stole upon his countenance in consequence of Manuel's quaint earnestness.

"That is certainly strange fare for a human being; but the supper seems rather a comical one. Did you drink the bucket of water, Manuel?" inquired the captain, retaining a sober face.

"Capitan, you know me too well for dat. I not ask 'em nosin' what he no get, but I want my coffee for suppe'. I no eat him like zat," throwing the putrid meat upon the floor again.

"Hi, hi! that won't do in this jail. You're dirtying up all my floor," said the jailer, calling a negro boy, and ordering him to carry the bull-necks, as Manuel called them, into the kitchen.

"You call him dirt, eh, Miser Jailer? Capitan, just come my room; I shown him!" said Manuel, leading the way upstairs, and the captain followed. A sight at the cell was enough, while the sickly stench forbade him to enter beyond the threshold. He promised Manuel that he would provide for him in future, and, turning about suddenly, retreated into the lower lobby.

"Jailer, what does all this mean? Do you allow men to starve in a land of plenty, and to suffer in a cell like that?" asked the captain in a peremptory tone.

"I feel for the men, but you must enter your complaints to the sheriff—the ration of the jail is entirely in his hands."

"But have you no voice in it, by which you can alleviate their situation?"

"Not the least. My duty is to keep everything to rights, as far as people are committed. You will find the sheriff in his office any time between this and two

o'clock," said the jailer. And the captain left as suddenly as he came.

You will think I have written you an essay instead of a letter inviting you to come and see me. Accept it for its intention, and excuse the circumstances.

Your obedient servant,

CHAPTER XXII.

THE CAPTAIN'S INTERVIEW WITH MR. GRIMSHAW.

THE appearance of things at the jail was forlorn in the extreme. The captain knew the integrity of Manuel, and not only believed his statement, but saw the positive proofs to confirm them. He repaired to the sheriff's office, and, inquiring for that functionary, was pointed to Mr. Grimshaw, who sat in his large chair, with his feet upon the table, puffing the fumes of a very fine-flavoured Havana, as unconcerned as if he was lord in sovereignty over everything about the city. "I am captain of the *Janson*, and have called to inquire about my steward," said the captain.

"Ah, yes! you have a *nigger fellow* in jail. Oh, by-the-bye, that's the one there was so much fuss about, isn't it?" said Mr. Grimshaw, looking up.

"It is an imperative duty on me to seek the comfort of my officers and crew," said the captain. "I received a note from my steward this morning; here it is (handing him the note), you can read it. He requested me to call upon him at the jail, where I lost no time in going, and found what he stated there to be too true. How is it? From the great liberality of tone which everywhere met my ears when I first arrived, I was led to believe that he would be made comfortable; and that the mere confinement was the only feature of the law that was a

grievance. Now I find that to be the only tolerable part of it. When a man has committed no crime, and is imprisoned to satisfy a caprice of public feeling, it should be accompanied with the most favouring attendants. To couple it with the most disgraceful abuses, as are shown here, makes it exceedingly repugnant. If we pay for confining these men, and for their living while they are confined, in God's name let us get what we pay for! You must not judge these men by the habitual tenor of your own locality. We have feelings which have been nurtured with us, and are as acute as our own; they retain a sense of wrong, and feel disappointments with equal mortification. Whatever law you make to govern the complexion, you cannot make one to govern the feelings; they are the weapons of man's unlimited will."

The reader will observe that Mr. Grimshaw was a man of coarse manners and vulgar mind, with all their traces preserved on the outer man. He looked up at the captain with a presumptuous frown, and then said, "Why, Mr. Captain, how you talk! But that kind o' talk won't do here in South Carolina. That nigger o' yourn gives us a mighty site of trouble, captain. He doesn't seem to understand that he must be contented in jail, and live as the other prisoners do. He gets what the law requires; and if he gives us any further trouble, we shall lock him up in the third storey."

"You cannot expect him to be contented, when you furnish the means of discontent. But I did not come here to argue with you, nor to ask anything as a favour, but as a right. My steward has been left to suffer. Am I to pay for what he does not get? or am I to pay you for the pretence, and still be compelled to supply

him on account of the owners? You must excuse my feelings, for I have had enough to provoke them!" returned the captain.

"That business is entirely my own! He gets what the State allows, and I provide. Your steward never wrote that note; it was dictated by some of them miserable white prisoners. I can hear no complaints upon such cases as them. If I were to listen to all these nonsensical complaints, it would waste all my time. I wish the devil had all the nigger stewards and their complaints; the jail's in a fuss with them all the time. I can hear nothing further, sir—nothing further!" said Grimshaw emphatically, interrupting the captain as he attempted to speak; at which the captain became so deeply incensed that he relieved his feelings in that sort of plain English which a Scotchman can best bestow in telling a man what he thinks of his character.

"You must remember, sir, you are in the office of the sheriff of the county—parish, I mean—and I am, sir, entitled to proper respect. Begone!—avaunt! You have no right to come here and traduce my character in that way. You mustn't take me for a parish beadle," said Grimshaw, contorting the unmeaning features of his visage, and letting fly a stream of tobacco-juice in his excitement that well-nigh gave the negro a job at the captain's boots.

The exuberance of his own character and official importance was so pictured in Mr. Grimshaw's countenance, that he reminded us of a general on the plains of Mantua proclaiming himself power-keeper of the Eternal City.

"If you have no laws to give me justice, you have my opinion of your wrongs," returned the captain, and, taking

his hat, left the office with the intention of returning to the jail. On reflection, he concluded to call upon Colonel S——, which he did, and, finding him in his office, stated the circumstances to him.

"These things are the fruits of imbecility; but I am sorry to say there is no relief from them. We are a curious people, and do a great many curious things according to law, and leave a great many things undone that the law and lawmakers ought to do. 'Tis believed by many, and I think the belief a correct one, that there is more in the abstract of the law than the enforcement, except when it pays well, and then its enforcement is unlimited. The power which that officer holds is an old one, unrestricted, and handed down to us with all its imperfections. It's something like the imprisonment of your man; there is nothing by which we can reach it, under the existing Acts, or modify its circumstances. But I will go with you to the jail, and whatever my influence will effect is at your service," said the colonel, putting on his hat, and accompanying the captain to the jail.

Mr. Grimshaw had forestalled them, and after having given the jailer particular instructions to lock Manuel up if he made any further complaint, and to carry out his orders upon the peril of his situation, met them a few steps from the outer gate, on his return. "There, captain!" said Grimshaw, making a sort of halt, "I have given the jailer particular orders in regard to your grumbling nigger!"

Neither the captain nor Colonel S—— took any notice of his remarks, and passed on into the jail. Colonel S—— interceded for the man, explaining the circum-

stances which had unfortunately brought him there, and begged the jailer's kind consideration in his behalf. The jailer told them what his orders had been, but promised to do as far as was in his power, and to see anything that was sent to him safely delivered.

We give these things, which may appear tedious to the reader, to show the power of caprice, and how sublimely it is carried out in South Carolina, where everything is told you about the law and its prerogative, justice and its attendants, honour and its ennobling qualities, refinement and its effects on society, and the complex ingredients of ancestry, heraldry, and chivalry; and yet they show by their acts that they violate every principle of these things, and the cause of these violations is traced to slavery.

After leaving the jail, Colonel S—— proposed a walk; and they proceeded along a street running at right angles with the jail, until they came to a corner where a large brick building was in process of erection. The location was not in what might strictly be called "the heart of the city," nor was it in the suburbs. Carpenters and masons, both black and white, were busily employed in their avocations, and from the distance all seemed fair and moving with despatch. As they approached nearer, cries and moans sounded upon the air and rose high above the clatter of the artisan's work. The captain quickened his pace, but the colonel, as if from a consciousness of the effect, halted, and would fain have retraced his steps. "Come!" said the captain, "let us hasten—they are killing somebody!" They approached the building, and entered by an open door in the basement. The passage, or entry-way, was filled with all sorts of building-materials; and on the left, another

door opened into a long basement apartment, with loose boards laid upon the floor-joists overhead. Here, in this dark apartment, was the suffering object whose moans had attracted their attention. A large billet of wood, about six feet long and three feet square, which had the appearance of being used for a chopping-block, lay near. A poor negro man, apparently advanced in years, was stripped naked and bent over the block in the shape of a horse-shoe, with his hands and feet closely pinioned to stakes driven in the ground on each side. His feet were kept close together, and close up to the log, while he was drawn over tight by the hands, which were spread open. Thus, with a rope around his neck, tied in a knot at the throat, with each end carried to the pinion where his hands were secured, his head and neck were drawn down to the tightest point. The very position was enough to have killed an ordinary human being in less than six hours. His master, a large, robust man, with a strong Irish brogue, started at their appearance, as if alarmed at the presence of intruders, while holding his hand in the attitude of administering another blow. "There! you infernal nigger! Steal again, will you?" said he, frothing at the mouth with rage — with his coat off, his shirt-sleeves rolled up, and his face, hands, arms and shirt-bosom so bespattered with blood, that a thrill of horror ran through the captain. On the ground lay several pieces of hoop, broken and covered with blood, while he held in his hand another piece (which he had torn from a lime-cask), reeking with blood, presenting the picture of a murderer bestained with the blood of his victim. But the poor sufferer's punishment had

wasted his strength; his moans had become so faint as to be scarcely perceptible. His posteriors were so cut and mangled that we could compare them to nothing but a piece of bullock's liver, with its tenacity torn by craven dogs. His body was in a profuse perspiration, the sweat running from his neck and shoulders, while the blood streamed from his bruises, down his legs, and upon some shavings on the ground. Just at this moment a boy brought a pail of water, and set it down close by the tyrant's feet. "Go away, boy!" said he, and the boy left as quick as possible. The captain stood dismayed at the bloody picture.

"Unmerciful man!" said the colonel in a peremptory tone, "what have you been doing here? You fiend of hell, let the man up! You own slaves to bring disgrace upon us in this manner! Epithets of contempt and disgust are too good for you. It is such beasts as you who are creating a popular hatred against us, and souring the feelings of our countrymen. Let the man up instantly; the very position you have him in is enough to kill him, and, if I'm not mistaken, you've killed him already."

"Indeed, he's me own property, and it's yerself won't lose a ha'penny if he's kilt. An' I'll warrant ye he's cur't of stalin' better than the man beyant at the wurk'o'se would be doin' it. Bad luck to the nager! an' it's the second time he'd be doin' that same thing," said he, as unconcernedly as if he had just been killing a calf.

"I'll 'your own' you, you miserable wretch! Your abuse and cruel treatment of your slaves is becoming a public thing; and if you a'n't very careful, something will be done about it before council. If they

are your own, you must not treat them worse than dogs; they have feeling, if you have no compassion. Be quick! release him at once!" demanded the colonel, feeling the man's wrist and head.

The tyrant went deliberately to work, unloosing the cords. This provoked the colonel still more; and, taking his knife from his pocket, he severed the cords that bound his hands and feet, while as suddenly the captain sprang with his knife and severed those that bound his hands and neck.

"Stop, captain, stop! Take no part!" said the colonel, with a significant look.

"Gintlemen, I wish yes wouldn't interfere with my own business," said the master.

"Take him up, you villanous wretch! I speak to you as you deserve, without restraint or respect," again the colonel repeated.

He called to the boy who was bringing the pail of water when they entered. He came forward, and, taking the poor fellow by the shoulders, this beast in human form cried out, "Get up now, ye miserable thief, ye!" The poor fellow made a struggle, but as the black man raised his head, which seemed to hang as a dead weight, exhaustion had left him without strength, and he fell back among the bloody shavings like a mutilated mass of lifeless flesh.

"None of your humbugging—yer worth a dozen dead niggers, anyhow," said he, taking up the pail of water and throwing nearly half of it over him, then passing the bucket to the black man, and ordering him to get more water and wash him down; then to get some saltpetre and a sponge to sop his flesh.

"Well," said the colonel, "I have seen a good deal of cruelty to slaves, but this is the most beastly I have ever beheld. If you don't send for a doctor at once, I shall report you. That man will die, to a moral certainty. Now, you may depend upon what I say—if that man dies you'll feel the consequences, and I shall watch you closely."

"Sure, I always takes care of me own niggers, an' it's himself that won't be asked to do a stroke of work for a week, but have the same to git well in," said the tyrant, as the colonel and captain were leaving.

"God be merciful to us, and spare us from the savages of mankind! That scene, with its bloody accompaniment, will haunt me through life. Do your laws allow such things?" said the captain, evidently excited.

"To tell the truth, captain," said the colonel, "our laws do not reach them. These men own a few negroes, which, being property, they exercise absolute control over; a negro's testimony being invalid, gives them an unlimited power to abuse and inflict punishment; while, if a white man attempts to report such things, the cry of '*abolitionist*' is raised against him, and so many stand ready to second the cry, that he must have a peculiar position if he does not prejudice his own interests and safety. I am sorry it is so, but it is too true; and, while it stigmatises the system, it works against ourselves. The evil is in the defects of the system; but the remedy is a problem with diverse and intricate workings which, I own, are beyond my comprehension to solve. The reason why I spoke to you as I did, when you cut the pinions from the man's hands, was to give you a word of precaution. That is a bad man. Negroes would rather be

sold to a sugar-plantation in Louisiana any time than be sold to him. He soon works them down; in two years, fine healthy fellows become lame, infirm, and sickly under him; he never gives them a holiday, and seldom a Sunday, and half-starves them at that. If his feelings had been in a peculiar mood at the instant you cut that cord, and he had not laboured under the fear of my presence, he would have raised a gang of his stamp, and, with the circumstance of your being a stranger, the only alternative for your safety would have been in your leaving the city."

"That vagabond has beaten the poor creature so that he will die; it can't be otherwise," said the captain.

"Well, no; I think not, if he is well taken care of for a week or so; but it's a chance if that brute gives him a week to get well. When proud flesh sets in, it is very tedious; that is the reason, so far as the law is concerned, that the lash was abolished and the paddle substituted—the former mangled in the manner you saw just now, while the latter is more acute and bruises less. I have seen a nigger taken from the paddle-frame apparently motionless and lifeless, very little bruised, and not much blood drawn; but he would come to and go to work in three or four days," said the colonel, as they passed along together.

We would print the name of this brute in human form, that the world might read it, were it not for an amiable wife and interesting family, whose feelings we respect. We heard the cause of this cruel torture a short time after, which was simply that he had stolen a few pounds of nails, and this fomented the demon's rage. In the manner we have described, this ferocious creature had kept his victim for more than two hours, beating him

with the knotty hoops taken from lime-casks. His rage would move at intervals, like gusts of wind during a gale. Thus, while his feelings raged highest, he would vent them upon the flesh of the poor pinioned wretch; then he would stop, rest his arm, and pace the ground from wall to wall, and, as soon as his passion stormed, commence again and strike the blows with all his power, at the same time keeping the black boy standing with a bucket of water in his hand, ready to pour upon the wretch whenever signs of fainting appeared. Several times, when the copious shower came over him, it filled his mouth, so that his cries resounded with a gurgling, death-like noise, that made every sensation chill to hear it. During this space of time he inflicted more than three hundred blows.*

"Captain, you must not judge the institution of slavery by what you saw there; that is only one of those isolated cases so injurious in themselves, but for which the general character of the institution should not be held answerable," said the colonel.

"A system so imperfect should be revised, lest innocent men be made to suffer its wrongs," said the captain.

They continued their walk through several very pretty parts of the city, where fine flowering gardens and well-trimmed hedges were nicely laid out; these, however, were not the habitations of the "*old families.*" They occupied parts of the city designated by massive-looking old mansions, exhibiting an antiqueness and mixed archi-

* Our information is from the man who did his master's bidding—poured the water—and dared not say, "Good massa, spare poor Jacob." We visited the place about a month afterward, on a pretext of examining the basement of the building, and saw the unmistakeable evidences of civilised torture yet remaining in the ground and upon the shavings that were scattered around.

tecture, with dilapidated courtyards and weather-stained walls, showing how stedfast was the work of decay, brought on by an unconquerable lassitude of mind, and a jealousy undivided in its will to merge everything into one complex principle. That mighty struggle fôr influence, and that tinselled vanity which vaunts everything called Southern chivalry as classic and polished, alluring the minds and warping the views of succeeding generations, leaves the footprints of its yellow age upon the things that jut around, and shows but too clearly that her people are swerved from the enterprise of conservative government. Everything is so bound in jealous pride of a dangerous institution, that no ascendant voice dare come forward, to speak beyond the measured confines of arbitrary custom, or bring to light some project to establish enlarged principles, and give new life to those dreamy imaginations so prone to yield everything for a subsidence of slave veneration.

The colonel pointed out the many military advantages of the city which would be used against Uncle Sam if he meddled with South Carolina. He spoke of them ironically, for he was not possessed of the secession monomania. He had been a personal friend of Mr. Calhoun, and knew his abstractions. He knew Mr. McDuffie; Hamilton (the transcendant of South Carolina fame); Butler, of good component parts—eloquent, but moved by fancied wrongs; Rhett, renouncer of that vulgar name of Smith, who hated man because he spoke, yet would not fight because he feared his God; and betwixt them a host of worthies who made revenge a motto; and last, but not least, great Quattlebum, whose strength and spirit knows no bound, and brought the champion

Commander, with his enthusiastic devotion, to lead unfaltering forlorn hopes. But he knew there was deception in the political dealings of this circle of great names.

Returning to the market, they took a social glass at Baker's, where the colonel took leave of the captain; and the latter, intending to repair to his vessel, followed the course of the market almost to its lowest extreme. In one of the most public places of the market the captain's attention was attracted by a singular object of mechanism. It seemed so undefined in its application, that he was reminded of the old saying among sailors when they fall in with any indescribable thing at sea, that it was a "fidge-fadge, to pry the sun up with in cloudy weather." It was a large pedestal about six feet high, with a sort of platform at the base for persons to stand upon, supplied with two heavy rings about eight inches apart. It was surmounted by an apex, containing an iron shackle long enough for a sloop-of-war's best bower chain, and just beneath it was a nicely-turned moulding. About three feet from the ground, and twelve inches from the pedestal, were two pieces of timber one above the other, with a space of some ten inches between them, the upper one set about five inches nearest the pedestal, also containing two rings, and both supported by posts in the ground. Above the whole was a framework with two projecting timbers supplied with rings, and standing about fourteen inches in a diagonal direction above the ring in the apex of the shaft. It was altogether a curious instrument, but it designated the civilisation of the age, upon the same principle that a certain voyager who, on landing in a

distant country, discovered traces of civilisation in the decaying remains of an old gallows.

He viewed the curious instrument for some time, and then turning to an old ragged negro, whose head and beard were whitened with the flour of age, said, "Well, old man, what do you call that?"

"Why, massa, him great t'ing dat—what big old massa judge send buckra-man to get whip; so colour foke laugh when 'e ketch 'im on de back, ca'bim; an' massa wid de cock-up hat on 'e head put on big vip jus' so," said the old negro.

It was the whipping-post, where white men, for *small* thefts, were branded with ignominy and shame.

"Are you a slave, old man?" inquired the captain.

The old man turned his head aside and pulled his ragged garments, as if shame had stung his feelings.

"Do, good massa—old Simon know ye don'e belong here—give him piece of bacca!" replied the hoary-headed veteran, evidently intending to evade the question. The captain divided his *plug* with him, and gave him a quarter to get more, but not to buy whiskey. "Tank-e, massa, tank-e; he gone wid ole Simon long time."

"But you haven't answered my question; I asked you if you were a slave?"

"Ah! mas'r, ye don'e know him how he is, ha! ha! ha! I done gone now. Massa Pringle own 'im once, but 'im so old now, nobody say, I own 'im; an' ole Simon a'n't no massa what say I his fo' bacon. I don't woff nofin, nohow, now, 'cos I ole. When Simon young—great time 'go—den massa say Simon his; woff 'touzan' dollars; den me do eve'ting fo' massa just so. I prime nigga den, massa; now I woff nosin', no corn and bacon, 'cept what 'im git

from Suke-e. She free; good massa make her free," said he.

"How old are you, old man?" inquired the captain.

"Ah, Mas'r Stranger, ye got ole Simon da! If me know dat, den 'im know somefin' long time ago, what buckra-man don' larn. I con'try-born nigger, mas'r, but I know yonder Massa Pringle house fo' he built 'im." Just at this moment several pieces of cannon and other ordnance were being drawn past on long, low-wheeled drays. "Ah, massa, ye don'e know what 'em be!" said the old negro, pointing to them. "Dem wa' Massa South Ca'lina gwan to whip de 'Nited States wid.* Massa Goberna' order 'em last year, an' 'e jus come. Good massa gwan' to fight fo' we wid 'em?" The poor old man seemed to take a great interest in the pieces of ordnance as they passed along, and to have inherited all the pompous ideas of his master. The negroes about Charleston have a natural inclination for military tactics, and hundreds of ragged urchins, as well as old *daddies* and mammies, may be seen following the fife and drum on parade-days.

"Then I suppose you've a home anywhere, and a master nowhere, old man!" said the captain, shaking him by the hand, as one who had worn out his slavery to be disowned in the winter of life.

* South Carolina voted a large sum of money for ordnance and other munitions of war, in 1850, for the purpose of resisting the Federal Government. She also voted a large appropriation for building two large steam-ships, to be converted into ships of war in case of emergency; but she voted it with certain restrictions which annulled the appropriation. Pieces of the ordnance were being drawn past, and thus the negro's remarks. Arsenals, built by her to manufacture weapons to war upon the Federal Government, are now manufacturing weapons for the Federal Government; while the only *war* steamer that was built has been offered for sale in several of the ports of Great Britain and America without nding a purchaser.

CHAPTER XXIII.

COPELAND'S RELEASE, AND MANUEL'S CLOSE CONFINEMENT.

THE captain of the *Janson*, finding that no dependence was to be placed upon the statements of the officials, after returning to his vessel, gave orders that Tommy should be sent to the jail every day with provisions for Manuel. The task was a desirable one for Tommy, and every day about ten o'clock he might be seen trudging to the jail with a haversack under his arm. There were five stewards confined in the cell, and for some days previous to this attention on the part of the captain they had been reduced to the last stage of necessity. The quantity may be considered as meagre, when divided among so many, but added to the little things brought in by Jane, and presents from several of the crew of the *Janson*, they got along. Still it was a dependence upon chance and charity, which any casual circumstance might affect. For several days they made themselves as contented and happy as the circumstances would admit; and always being anxious to enjoy the privilege of their time in the yard, they would leave their cell together, and mix with the prisoners of their own colour under the stoop.

After a few days they found that their cell had been entered, and nearly all their provisions stolen. Not contented with this, the act was repeated for several days, and all the means they provided to detect the thief proved fruitless. The jailer made several researches through their

remonstrances, but without effecting anything. They kept their provisions in a little box, which they locked with a padlock; but as Daley had the keys of the cell, they had no means of locking the door. At length Manuel set a trap that proved effectual. One morning Tommy came puffing into the jail with a satchel over his back. "I guess Manuel won't feel downhearted when he sees this—do you think he will?" said the little fellow, as he put the satchel upon the floor and looked up at the jailer. "An' I've got some cigars too, the captain sent, in my pocket," said he, nodding his head; and, putting his hand into a side-pocket, pulled out one and handed it to the jailer.

"Ah! you are a good little fellow—worth a dozen of our boys. Sit down and rest yourself," said the jailer, and called a monstrous negro wench to bring a chair and take the satchel up to the cell. Then turning to the back-door, he called Manuel; and, as if conscious of Tommy's arrival, the rest of the stewards followed. He sprang from the chair as soon as he saw Manuel, and, running toward him, commenced telling him what he had got in the satchel, and at the same time pulled out a handful of cigars that the captain had sent for himself. Manuel led the way up-stairs, followed by Tommy and the train of stewards. Tommy opened the satchel, while Manuel laid the contents, one by one, on the table which necessity had found in the head of a barrel.

"Now eat, my friends, eat just as much as you want, and then I'll catch the thief that breaks my lock and steals my meat. I catch him!" said Manuel. After they had all done, he locked the balance up in his box, and sent everybody down stairs into the yard, first covering himself with two mattresses, and giving orders to Copeland to lock the door after him. Everything was ready

to move at the word. In this position he remained for nearly half an hour. At length he heard a footstep approach the door, and then the lock clink. The door opened slowly, and the veritable Mr. Daley limped in, and, taking a key from his pocket, unlocked the little box, and, filling his tin pan, locked it, and was walking off as independent as a wood-sawyer, making a slight whistle to a watch that was stationed at the end of the passage. "It's you, is it?" said Manuel, suddenly springing up and giving him a blow on the side of the head that sent him and the contents of the pan into a promiscuous pile on the floor. Daley gathered himself up and made an attempt to reach the door; but Manuel, fearing what might be the consequence if the other prisoners came to his assistance, shut the door before him and fastened it on the inside.

"Bad luck to yer infernal eyes! will ye strike a white man, ye nager, ye! in a country like this same?" said Daley, as he was gathering himself up. This incensed Manuel's feelings still more. To have insult added to injury, and a worthless drunkard and thief abuse him, was more than he could bear. He commenced according to a sailor's rule of science, and gave Daley a systematic thrashing, which, although against the rules of the jail, was declared by several of the prisoners to be no more than he had long deserved. As may have been expected, Daley cried lustily for help, adding the very convenient item of murder, to make his case more alarming. Several persons had crowded around the door, but none could gain admittance. The jailer had no sooner reached the door, than (most unfortunately for Manuel) he was called back to the outer door to admit Mr. Grimshaw, who had just rung the bell.

The moment he entered, Daley's noise was loudest, and reached his ears before he had gained the outside gate. He rushed up-stairs, followed by the jailer, and demanded entrance at the cell door, swearing at the top of his voice that he would break it in with an axe if the command was not instantly obeyed.

The door opened, and Manuel stood with his left hand extended at Daley. "Come in, gentlemen! I catch him, one rascal, what steal my provision every day, and I punish him, what he remember when I leave."

Daley stood trembling against the wall, bearing the marks of serious injury upon his face and eyes. "At it again, Daley? Ah, I thought you had left off them tricks!" said the jailer.

Daley began to tell a three-cornered story, and to give as many possible excuses, with equally as many characteristic bulls in them. "I don't want to hear your story, Daley," said Mr. Grimshaw. "But, Mr. Jailer, I command you to lock that man up in the third storey," pointing to Manuel. "I don't care what the circumstances are. He's given us more trouble than he's worth. He tried to pass himself off for a white man, but he couldn't come that, and now he's had the impudence to strike a white man. Lock him up! lock him up! and keep him locked up until further orders from me. I'll teach him a lesson that he never learnt before he came to South Carolina; and then let Consul Mathew sweat over him, and raise another fuss if he can."

"If he's guilty of violating the rules of the jail, Daley is guilty of misdemeanour, and the thieving has been aggravatingly continued. If we put one, we must put both up," said the jailer.

"Just obey my orders, Mr. Jailer. I will reprimand Daley to-morrow. I shall just go to the extent of the law with that feller," said Grimshaw peremptorily.

"You may lock me up in a dungeon, do with me as you will, if the power is yours; but my feelings are my own, and you cannot crush them. I look to my consul, and the country that has protected me around the world, and can protect me still," said Manuel, resigning himself to the jailer, whose intentions he knew to be good.

Poor little Tommy stood begging and crying for his friend and companion, for he heard Mr. Grimshaw give an imperative order to the jailer not to allow visitors into his cell. "Never mind, Tommy, we shall soon meet again, and sail companions for the old owners. Don't cry; the jailer will let you see me to-morrow," said Manuel.

"No, I can't do that; you heard my orders, I must obey them. I should like to do it, but it's out of my power," returned the jailer, waiting with a bunch of keys in his hand.

Manuel turned to the little fellow, and, kissing him as he would an affectionate child, bade him adieu, and ascended the steps leading to the third storey (Mount Rascal) in advance of the jailer, to be confined in a dark, unhealthy cell, there to await the caprice of one man. To describe this miserable hole would be a task too harrowing to our feelings. We pass it for those who will come after us. He little thought, when he shook the hand of his little companion, that it was the last time he should meet him for many months, and then only to take a last parting look, under the most painful circumstances. But such is the course of life!

Copeland had received notice to hold himself in readiness, as his vessel would be ready for sea the next morning. He was not long in getting his few things in order, and when morning came he was on hand, prepared to bound from the iron confines of the Charleston jail, like a stag from a thicket. As he bade good-bye to his fellow-prisoners in the morning, he said, "This is my last imprisonment in Charleston. I have been imprisoned in Savannah, but there I had plenty to eat, comfortable apartments, and everything I asked for, except my liberty. Never, so long as I sail the water, shall I ship for such a port as this again." He requested to see Manuel, but being refused, upon the restraint of orders, he left the jail. It was contrary to law; and thus, in pursuing his vocation within the limits of South Carolina, his owners were made to pay the following sum, for which neither they nor the man who suffered the imprisonment received any compensation.

"*Contrary to Law.*

Schooner *Oscar Jones*, Captain Kelly, } For William H. Copeland, Coloured Seaman.

To Sheriff of Charleston District.

1852.	To Arrest, dols. 2; Registry, dols. 2 . .	4.00	dols.
	„ Recog., dols. 1.31; Constable, dols. 1.	2.31	„
	„ Commitment and Discharge	1.00	„
	„ 15 Days' jail maintenance of Wm. H. Copeland, at 30 cts. per day . .	4.50	„
	Received payment	11.81	dols.

J. D——,

Per Charles E. Kanapeaux, Clerk."

God save the sovereignty of South Carolina, and let her mercy and hospitality be known on earth!

CHAPTER XXIV.

IMPRISONMENT OF JOHN PAUL AND JOHN BAPTISTE PAMERLIE.

In order to complete the four characters, as we designed in the outset, we must here introduce the persons whose names fill the caption. The time of their imprisonment was some two months later than Manuel's release; but we introduce them here for the purpose of furnishing a clear understanding of the scenes connected with Manuel's release.

John Paul was a fine-looking French negro, very dark, with well-developed features, and very intelligent—what would be called in South Carolina "a very prime feller." He was steward on board of the French bark *Senegal*, Captain ——. He spoke excellent French and Spanish, and read Latin very well—was a Catholic, and paid particular respect to devotional exercises; but, unfortunately, he could not speak or understand a word of English. In all our observation of different characters of coloured men, we do not remember to have seen one whose pleasant manner, intelligence, and civility attracted more general attention. But he could not comprehend the meaning of the law imprisoning a peaceable man without crime, and why the authorities should fear him when he could not speak their language. He wanted to see the city, what sort of people were in it, if they bore

any analogy to their good old forefathers in France, and whether they had inherited the same capricious feelings as the descendants of the same generation on the other side of the water. There could be no harm in that; and although he knew something of French socialism, he was ignorant of Carolina's peculiar institutions, her politics, and her fears of abolition, as a "Georgia cracker"* would

* A sort of semi-civilised native, wearing a peculiar homespun dress; with a native dialect strongly resembling many of the Yorkshire phrases. They are generally found located in the poorer parishes and districts, where their primitive-looking cabins are easily designated from that of the more enterprising agriculturist. But few of them can read or write; and preferring the coarsest mode of life, their habits are extremely dissolute. Now and then one may be found owning a nigger or two; but a negro would rather be sold to the torments of hell, or a Louisiana sugar-planter, than to a Georgia cracker. You will see them approaching the city on market-days, with their travelling-cart, which is a curiosity in itself. It is a two-wheeled vehicle of the most primitive description, with long, rough poles for shafts or thills. Sometimes it is covered with a blanket, and sometimes with a white rag, under which are a few things for market, and the good wife, with sometimes one or two wee-yans; for the liege lord never fails to bring his wife to market, that she may see the things of the city. The dejected-looking frame of some scrub-breed horse or a half starved mule is tied (for we can't call it harnessed) between the thills, with a few pieces of rope and withes; and, provided with a piece of wool-tanned sheep-skin, the lord of the family, with peculiar dress, a drab slouched hat over his eyes, and a big whip in his hand, mounts on the back of the poor animal, and, placing his feet upon the thills to keep them down, tortures it through a heavy, sandy road. The horses are loaded so much beyond their strength that they will stop to blow, every ten, or fifteen minutes, while the man will sit upon their backs with perfect unconcern. Remonstrate with them in regard to the sufficient draught, added to the insupportable weight upon their backs, and they will immediately commence demonstrating how *he* can draw easier when there is an immense weight upon his back. The husband generally exchanges his things for whiskey, rice, and tobacco, while the wife buys calico and knick-knacks. Sometimes they get "a right smart chance o' things" together, and have a "party at home," which means a *blow-out*

be of Greek. Like his predecessors in confinement, he fell into the hands of the veritable Dunn, without the assistance of his friend Duse, as he called him; but had it not been for the timely appearance of a clerk in the French consul's office, who explained the nature of the arrest, in his native tongue, Mr. Dunn would have found some trouble in making the arrest. Already had the officers and crew of the bark gathered around him, making grimaces, and gibbering away like a flock of blackbirds surrounding a hawk, and just ready to pounce. "Don't I'se be tellin' yees what I wants wid 'im, and the divil a bit ye'll understand me? Why don't yees spake so a body can understand what yees be blatherin' about. Sure, here's the paper, an' yees won't read the English of it. The divil o' such a fix I was ever in before wid yer John o' Crapucs an' yer chatter! Ye say, 'we—we—we;' sure, it's but one I wants. Ah! whist now, captain, and don't ye be makin' a bother over it. Shure, did ye nivir hear o' South Carolina in the wide world? An' ye bees travellin' all over it, and herself's such a great State, wid so many great gintlemen in it," said Dunn, talking his green-island Greek to the Frenchman.

among themselves. Sometimes they have a shucking, which is a great affair, even among the little farmers in Upper Georgia, where only corn-shuckings are kept up with all the spice of old custom, and invitations are extended to those at a distance of ten or fifteen miles, who repay the compliment with their presence, and join in the revelry. There are two classes of the cracker in Georgia, according to our observation, differing somewhat in their dialect, but not in their habits. One is the upper, and the other the low country, or rather what some call the "*co-u-n-try-b-o-r-n*" cracker. The up-country cracker gives more attention to farming, inhabits what is known as the Cherokee country and its vicinity, and is designated by the *soubriquet* of "*wire-grass man.*"

"*We, we! mon Dieu, ah!*" said the Frenchman.

"Ah, shure, there ye are again. What would I be doin' wid de 'hole o' yees? It's the nager I want. Don't ye know that South Carolina don't allow the likes o' him to be comin' ashore and playing the divil wid her slaves?" continued Dunn, stretching himself up on his lame leg.

The clerk stepped up at this moment. "It's 'imself'll be telling yees all about it, for yer like a parcel of geese makin' a fuss about a goslin'." Mr. Dunn had got his Corkonian blood up; and although the matter was explained, he saw the means at hand, and fixed his feelings for a stiff compensation. The clerk, after explaining to the captain, turned to John Paul and addressed him. As soon as he was done, John commenced to pack up his dunnage and get money from the captain, as if he was bound on an Arctic expedition. Dunn's eyes glistened as he saw the money passing into Paul's hand; but he was not to be troubled with the dunnage, and, after hurrying him a few times, marched him off. He went through the regular system of grog-shop sponging; but his suavity and willingness to acquiesce in all Mr. Dunn's demands saved him some rough usage. There was this difference between John Paul and Manuel—that the former, not understanding the English language, mistook Dunn's deception for friendship, and moved by that extreme French politeness and warmth of feeling, which he thought doing the gentleman *par excellence;* while the latter, with a quicker perception of right and wrong, and understanding our language, saw the motive and disdained its nefarious object. For when Paul arrived at the jail he was minus a five-dollar gold-piece, which his very amiable official companion took particular care of.

lest something should befall it. Poor John Paul! He was as harmless as South Carolina's secession and chivalry —two of the most harmless things in the world, not excepting Congressional duelling.

As soon as he entered the jail, and found that the jailer could speak French, he broke out in a perfect tornado of enthusiasm, "*Je serai charmé de lier connaissance avec un si aimable compagnon,*" said he, and continued in a strain so swift and unabated that it would have been impossible for an Englishman to have traced the inflections.

The jailer called Daley, and telling him to take his blanket, the State's allotment, ordered him to be shown to his cell. Daley took the blanket under his arm and the keys in his hand, and Paul soon followed him up-stairs to be introduced to his cell. "There, that's the place for yees. We takes the shine off all ye dandy niggers whin we gits ye here. Do you see the pair of eyes in the head o' me?" said Daley, pointing to his blackened eyes; "an' he that done that same is in the divil's own place above. Now, if ye have ever a drap of whiskey, don't be keepin' it shy, an' it'll be tellin' ye a good many favours."

"*Ah! mon Dieu! Cela fait dresser les cheveux à la tête,*" said Paul, shrugging his shoulders.

"Bad luck to the word of that I'd be understandin' at all, at all! Can't ye spake so a body 'd understand what ye'd mane?"

"*C'est ma grande consolation d'avoir. * * * Les Etats-Unis est une modèle de perfection républicaine,*" said he, taking the blanket from Daley, and throwing it upon the floor. He was but a poor companion for his fellow-prisoners, being deprived of the means to exercise his social qualities. He went through the same course of

suffering that Manuel did; but, whether from inclination or necessity, bore it with more Christian fortitude, chanting vespers every morning, and reading the Latin service every evening. The lesson which Manuel taught Daley proved of great service to Paul, who gave Daley the jail-ration which it was impossible for him to eat, and was saved from his pilfering propensities. Thus, after John Paul had suffered thirty-five days' imprisonment, in *mute* confinement, to satisfy the majesty of South Carolina, he was released upon the following conditions, and taken to his vessel at early daylight, lest he should see the city or leave something to contaminate the slaves.

"*Contrary to Law.*

State *v.* Contrary to Law.

French bark *Senegal*, Capt. ——. } For John Paul, Coloured Seaman.

To Sheriff Charleston Dist.

July 18, 1852.	To Arrest, dols. 2; Registry, dols. 2 .	4.00
" "	Recog., dol. 1.31; Constable, dol. 1 .	2.31
" "	Commitment and discharge	1.00
" "	35 Days' maintenance of John Paul, at 30 cents per day	10.50

Received payment, dols. 17.81

J. D——, S. C. D.

Per Charles E. Kanapeaux, Clerk."

A very nice item of disbursements to present to the owners—a premium paid for the advanced civilisation of South Carolina!

We have merely noticed the imprisonment of John Paul, our limits excluding the details. We must now

turn to a little, pert, saucy French boy, eleven years old, who spoke nothing but Creole French, and that as *rotten* as we ever heard lisped. The French bark *Nouvelle Amélie*, Gilliet, master, from Rouen, arrived in Charleston on the twenty-ninth of July. The captain was a fine specimen of a French gentleman. He stood upon the quarter-deck as she was being "breasted-in" to the wharf, giving orders to his men; while the little child stood at the galley looking at the people upon the wharf, making grimaces and pointing one of the crew to several things that attracted his attention. Presently the vessel hauled alongside of the dock, and Dusenberry, with his companion Dunn, who had been watching all the movements of the vessel from a hiding-place on the wharf, sprang out and boarded her ere she had touched the piles.

The "nigger," seeing Dusenberry approach him, waited until he saw his hand extended, and then, as if to save himself from impending danger, ran aft and into the cabin, screaming at the top of his voice. The crew began to run and move up into close quarters. The issue was an important one, and rested between South Carolina and the little "nigger." Dusenberry attempted to descend into the cabin. "Vat you vant wid my John, my Baptiste? No, you no do dat, 'z my cabin; never allow stranger go down 'im," said the captain, placing himself in the companion-way, while the little terrified nigger peeped above the combing, and rolled his large eyes, the white glowing in contrast, from behind the captain's legs. In this tempting position the little darkie, knowing he was protected by the captain and crew, would taunt the representative of the State with his bad French. Dunn stood some distance behind

Dusenberry, upon the deck, and the mission seemed to be such a mystery to both captain and crew, that their presence aroused a feeling of curiosity as well as anxiety. Several of the sailors gathered around him, and made antic grimaces, pointing their fingers at him and swearing; so that Dunn began to be alarmed by the incomprehensible earnestness of their gibberish, turned pale, and retreated several steps, to the infinite amusement of those upon the wharf.

"Vat 'e do, eh, you vant 'im? Vat you do vid 'im ven zu gets him, eh? *Cette affaire délicate demande,*" said one of the number, who was honoured with the title of mate, and who, with a terrific black moustache and beard, had the power of contorting his face into the most repugnant grimaces. And, at the moment, he drew his sheath-knife and made a pretended plunge at Dunn's breast, causing him to send forth a pitiful yell, and retreat to the wharf with quicker movements than he ever thought himself capable of.

"*Il n'y a pas grand mal à cela,*" said the Frenchman, laughing at Dunn, as he stood upon the capsill of the wharf.

"Bad luck to ye, a pretty mess o' murderous Frinchmin that ye are! Do yees be thinkin' ye'd play that trick in South Carolina? Ye'll get the like o' that taken out o' ye whin yer before his honour in the mornin'," said Dunn.

Dusenberry had stood parleying with the captain at the companion-door, endeavouring to make the latter understand that it was not a case which required the presence of the silver oar. There is a prevailing opinion among sailors that no suit in Admiralty can be commenced, or

seaman arrested while on board, without the presence of the silver oar. And thus acting upon this impression, the captain and officers of the *Nouvelle Amélie* contended for what they considered a right. The mate and crew drew closer and closer toward Dusenberry, until he became infected with the prevailing alarm. "Captain, I demand your protection from these men, in the name of the State of South Carolina," said he.

"Who he? De State Souf Ca'lina, vat I know 'bout him, eh? Bring de silver oar when come take my man. *Il y a de la malhommié, tête dans son procès,*" said Captain Gilliet, turning to his mate.

"Avaunt! avaunt!" said the big man with the large whiskers, and they all made a rush at Dusenberry, and drove him over the rail and back to the wharf, where he demanded the assistance of those anxious spectators, for and in the name of the State. It was a right good *vaudeville comique,* played in dialogue and pantomime. The point of the piece, which, with a little arrangement, might have made an excellent production, consisted of a misunderstanding between an Irishman and a Frenchman about South Carolina, and a law so peculiar that no stranger could comprehend its meaning at first; and as neither could understand the language of the other, the more they explained the more confounded the object became, until, from *piquant comique,* the scene was worked into the appearance of a tragedy. One represented his ship, and to him his ship was his nation; the other represented South Carolina, and to him South Carolina was the United States; and the question was, which had the best right to the little darkie.

The spectators on the wharf were not inclined to move,

either not wishing to meddle themselves with South Carolina's affairs—wanting larger game to show their bravery—or some more respectable officer to act in command. The little darkie, seeing Dusenberry driven to the wharf, ran to the gangway, and, protruding his head over the rail, worked his black phiz into a dozen pert expressions, showing his ivory, rolling the white of his eyes, and crooking his finger upon his nose in aggravating contempt.

"Shure, we'll turn the guard out and take ye an' yer ship, anyhow. Why don't yees give the nager up dasently, an' don't be botherin'? An' isn't it the law of South Carolina, bedad? An' be the mortis! ye'd be gettin' no small dale of a pinalty for the same yer doin'," said Dunn.

A gentleman, who had been a silent looker-on, thinking it no more than proper to proffer his mediation, perceiving where the difficulty lay, stepped on board, and, introducing himself to the captain, addressed him in French, and explained the nature of the proceeding. The captain shook his head for some time, and shrugged his shoulders. "*La police y est bien administrée*," said he, with an air of politeness; and speaking to his mate, that officer again spoke to his men, and Dusenberry was told by the gentleman that he could come on board. Without further ceremony he mounted the rail, and made a second attempt at the young urchin, who screamed and ran into the cook's galley amid the applause of the seamen, who made all sorts of shouts, inciting him to run, crying out, "Run, Baptiste! run, Baptiste!" In this manner the little darkie kept the officer at bay for more than fifteen minutes, passing out of one door as the officer entered the other, to the infinite delight of the crew. At length his patience became wearied, and as he was about to call Dunn to his

assistance, the captain came up, and calling the child to him—for such he was—delivered him up, the little fellow roaring at the top of his voice as the big officer carried him over the rail under his arm. This ended the *vaudeville comique* on board of the French bark *Nouvelle Amélie*, Captain Gilliet.

The dignity of the State was triumphant, and the diminutive nigger was borne off under the arm of its representative. What a beautiful theme for the painter's imagination! And how mutely sublime would have been the picture if the pencil of a Hogarth could have touched it! The majesty of South Carolina carrying a child into captivity!

After carrying John Baptiste about half-way up the wharf, they put him down, and made him "*trot it*" until they reached the Dutch grog-shop we have described in the scene with Manuel. Here they halted to take a "stiff'ner," while Baptiste was ordered to sit down upon a bench, Dunn taking him by the collar and giving him a hearty shake, which made the lad bellow right lustily. "Shut up, ye whelp of a nigger! or ye'll get a doz for yeer tricks beyant in the ship," said Dunn; and after remaining nearly an hour, arguing politics and drinking toddies, Mr. Dunn got very amiably fuddled, and was for having a *good-natured* quarrel with every customer that came into the shop. He laboured under a spirit-inspired opinion that they must treat or fight; and accordingly would attempt to reduce his opinions to practical demonstrations. At length the Dutchman made a courteous remonstrance; but no sooner had he done it than Dunn drew his hickory-stick across the Dutchman's head, and levelled him upon the floor. The Dutchman was a double-

fisted fellow, and, springing up almost instantly, returned the compliment. Dusenberry was more sober, and stepped in to make a reconciliation; but before he had time to exert himself, the Dutchman running behind the counter, Dunn aimed another blow at him, which glanced from his arm and swept a tin drench, with a number of tumblers on it, into a smash upon the floor. This was the signal for a general *mêlée*, and it began in right earnest between the Dutch and the Irish; for the Dutchman called the assistance of several kinsmen who were in the front store, and Dunn, with the assistance of Dusenberry, mustered recruits from among a number of his cronies who were standing at a corner on the opposite side of the street. Both came to the rescue; but the O'Nales and Finnegans, outnumbering the Dutch, made a Donnybrook onset, disarming and routing their adversaries, and capsising barrels, boxes, kegs, decanters, and baskets of onions, into one general chaos, taking possession of the Dutchman's calabash, and proclaiming their victory with triumphant shouts.

They had handcuffed the boy Baptiste as soon as they entered the store; and, in the midst of the conflict, he escaped without being observed, and ran for his vessel, handcuffed, and crying at the top of his voice. He reached the *Nouvelle Amélie*, to the consummate surprise of the officers and crew, and the alarm of pedestrians as he passed along the street. "*Mon Dieu!*" said the mate; and, taking the little fellow to the windlass-bits, succeeded in severing the handcuffs with a cold-chisel, and sent him down into the forecastle to secrete himself.

When Dunn's wild Irish had subsided, Dusenberry began to reason with him upon the nature of the affair,

and the matter was reconciled upon the *obligations* that had previously existed, and a promise to report no violations of the ordinances during a specified time. Looking around, Dunn exclaimed, "Bad manners till ye, Swizer, what a ye done with the little nager? Where did ye put him? Bedad, Duse, he's gone beyant!" An ineffectual search was made among barrels and boxes, and up the old chimney. "Did ye see him?" inquired Dunn of a yellow man that had been watching the affray at the door, while Dusenberry continued to poke with his stick among the boxes and barrels.

"Why, massa, I sees him when he left de doo, but I no watch him till 'e done gone," said the man.

Dunn was despatched to the vessel in search, but everything there was serious wonderment, and carried out with such French *naiveté* that his suspicions were disarmed, and he returned with perfect confidence that he was not *there*. A search was now made in all the negro houses in the neighbourhood; but kicks, cuts, and other abuses failed to elicit any information of his whereabouts. At length Dunn began to feel the deadening effects of the liquor, and was so muddled that he could not stand up; then, taking possession of a bed in one of the houses, he stretched himself upon it in superlative contempt of everything official, and almost simultaneously fell into a profound sleep. In this manner he received the attention of the poor coloured woman whose bed he occupied, and whom he had abused in searching for the boy. In this predicament Dusenberry continued to search alone, and kept it up until sundown, when he was constrained to report the case to the sheriff, who suspended Mr. Dunn for a *few* days. The matter rested until the next morning, when

the case of the little saucy nigger *v.* South Carolina was renewed with fresh vigour. Then Mr. Grimshaw, accompanied by Dusenberry, proceeded to the barque, and there saw the boy busily engaged in the galley. Mr. Grimshaw went on board, followed by Duse, and, approaching the cabin door, met the captain ascending the stairs. "Captain, I want that nigger boy of yourn, and you may just as well give him up peaceably," said he.

"Yes, monsieur; but you no treat 'im like child wen you get 'im," said the captain. Retiring to the cabin, and bringing back the broken manacles in his hand, he held them up to Mr. Grimshaw. "You put such dem thing on child like 'im, in South Carolina, eh? What you tink 'im be, young nigger, ox, horse, bull, eh! what? Now you take'e him; treat him like man, den we no 'struct to laws what South Carolina got," continued he.

Mr. Grimshaw thanked the captain, but made no reply about the manacles; taking them in his hand, and handing the boy over into the charge of Dusenberry. In a few minutes he was ushered into the sheriff's office, and the important points of his dimensions and features noted in accordance with the law. We are not advised whether the pert characteristics of his nature were emblazoned; if they were, the record would describe a singular specimen of a frightened French darkie, more amusing than judicial. But John Baptiste Pamerlie passed the ordeal, muttering some rotten Creole, which none of the officials could understand, and was marched off to the jail, where the jailer acted as his interpreter. Being so small, he was allowed more latitude to *ware and haul* than the others; while his peculiar *bon point* and pert chatter afforded a fund of amusement for the prisoners,

who made him a particular *butt*, and kept up an incessant teasing to hear him jabber. The second day of his imprisonment he received a loaf of bread in the morning, and a pint of greasy water, misnamed soup. That was the allowance when they *did not take meat*. He ran down stairs with the pan in hand, raising an amusing fuss, pointing at it, and spitting out his Creole to the jailer. He was disputing the question of its being soup, and his independent manner had attracted a number of the prisoners. Just at the moment, the prison dog came fondling against his legs, and, to decide the question, quick as thought, he set the pan before him; and, as if acting upon an instinctive knowledge of the point at issue, the dog put his nose to it, gave a significant scent, shook his head and walked off, to the infinite delight of the prisoners, who sent forth a shout of acclamation. Baptiste left his soup, and got a prisoner who could speak Creole to send for his captain, who came on the next morning, and made arrangements to relieve his condition from the ship's stores. The following day he whipped one of the jailer's boys in a fair fight, and on the next he killed a duck, and on the fourth he cut a white prisoner. Transgressing the rules of the jail in rejecting his soup, violating the laws of South Carolina making it a heinous offence for a negro to strike or insult a white person, committing murder on a duck, endeavouring to get up a fandango among the yard niggers, and trying the qualities of cold steel in a prisoner's hand, thus exhibiting all the versatility of a Frenchman's genius with a youthful *sang-froid*, he was considered decidedly dangerous, and locked up for formal reform. Here he remained until the seventeenth of August, when it was announced that the good barque

Nouvelle Amélie, Captain Gilliet, was ready for sea, and he was forthwith led to the wharf between two officers, and ordered to be transferred beyond the limits of the State, the captain paying the following nice little bill of costs :—

"*Contrary to Law.*

French Barque *Nouvelle Amélie*, Captain Gilliet, from Rouen,	For John Baptiste Pamerlie, Coloured Seaman.

1852.	To Sheriff of Charleston District.		
Aug. 26th.	To Arrest, dols. 2 ; Registry, dols. 2,	4.00	dols.
"	Recog., dol. 1.31 ; Constable, dol. 1	2.31	"
"	Commitment and Discharge.........	1.00	"
"	Twenty Days' jail maintenance of John Baptiste Pamerlie, at 30 cts. per day	6.00	"
	Received payment,	13.31	dols.

J. D——, S. C. D.

Per Charles E. Kanapeaux, Clerk."

Thus ended the scene. The little darkie might have said when he was in jail, "*Je meurs de faim, et l'on ne m'apporte rien ;*" and when he left, "*Il est faufilé avec les chevaliers d'industrie.*"

CHAPTER XXV.

THE JANSON CONDEMNED.

WE must now return to Manuel. He was in close confinement, through Mr. Grimshaw's orders. Tommy continued to bring him food from day to day, but was not allowed to see him. The mate and several of the crew were also refused admittance to him. This was carrying power to an unnecessary limit, and inflicting a wanton punishment without proper cause, at the same time exhibiting a flagrant disrespect for personal feelings. Tommy did not report the affair to the captain, lest it should be misconstrued, and worse punishment be inflicted; but when the men were refused, they naturally mistrusted something, and made inquiries of the jailer, who readily gave them all the information in his power concerning the affair, and his orders. This they reported to the captain, who immediately repaired to the consul's office, where he found Mr. Mathew reading a note which he had just received from Manuel. It stated his grievances in a clear and distinct manner, and begged the protection of that Government under whose flag he sailed, but said nothing about his provisions. The consul, accompanied by the captain, proceeded to the sheriff's office, but could get no satisfaction. "I never consider circumstances when prisoners violate the rules of the jail—he must await my orders; but I shall keep

him closely confined for two weeks, at least," said Mr. Grimshaw. And here we leave that functionary carrying out the sovereign rule of a sovereign State.

This incensed the consul still more, for he saw the manner in which a clique of officials were determined to show their arbitrary power. It was impossible for him to remain indifferent to this matter, affecting, as it did, the life and liberty of his fellow-countryman. He could invoke no sympathy for the man, and the extent of punishment to which he had been subjected was evidently excited by vindictive feelings. He applied for a writ of *habeas corpus;* but mark the result!

The captain proceeded to the jail and demanded to see his steward; the jailer, hesitating at first, at length granted his permission. He found Manuel locked up in a little, unwholesome cell, with scarcely a glimmer of light to mark the distinction of day and night; and so pale and emaciated that, had he met him in the street, he should scarcely have recognised him. "Gracious God! What crime could have brought such an excess of punishment upon you?" inquired the captain.

Manuel told him the whole story; and, added to that, the things which had been sent to him during the seven days he had been confined in that manner had seldom reached him. He had lost his good friend Jane, and the many kind acts which she was wont to bestow upon him, and had been compelled to live upon bread and water nearly the whole time, suffering the most intense hunger. Upon inquiry, it was ascertained that the few things sent to make him comfortable had been intrusted to Daley to deliver, who appropriated nearly the whole of them to his own use, as a sort of retaliatory measure for

the castigation he received from Manuel. He had not failed to carry him his pan of soup at twelve o'clock every day, but made the "*choice bits*" serve his own digestion. The jailer felt the pain of the neglect, and promised to arrange a safer process of forwarding his things by attending to it himself, which he did with all the attention in his power; when Manuel's condition became more tolerable. The captain told Manuel how his affairs stood—that he should probably have to leave him in charge of the consul, but to keep up good spirits; that he would leave him plenty of means, and, as soon as his release was effected, to make the best of his way to Scotland and join the old owners. And thus he left him with a heavy heart, for Manuel did read in his countenance what he did not speak.

The *Janson* had been discharged, a survey held upon the cargo, protest extended, and the whole sold for the benefit of whom it might concern. Necessary surveys were likewise held upon the hull; and finding it so old and strained as to be unworthy of repair, it was condemned and sold for the benefit of the underwriters. Thus the register *de novo* was given up to the consul, the men discharged and paid off according to the Act of William IV., which provides that each man shall receive a stipend to carry him to the port in Great Britain from which he shipped, or the consul to provide passage for him, according to his inclination, to proceed to a point where the voyage would be completed. The consul adopted the best means in his power to make them all comfortable, and satisfied with their discharge. Their several register-tickets were given up to them, and one by one left for his place of destination; Tommy and the

second-mate only preferring to remain and seek some new voyage. The old chief mate seemed to congratulate himself in the condemnation of the unlucky *Janson.* He shipped on board an English ship, laden with cotton and naval stores, and just ready for sea. When he came on board to take a farewell of the captain, he stood upon deck, and, looking up at the dismantled spars, said, "Skipper, a shadow may save a body after all. I've always had a presentiment that this unlucky old thing would serve us a trick. I says to meself that night in the Gulf, 'Well, old craft, yer goin' to turn yer old ribs into a coffin at last; but I'll praise the bridge that carries me safe over, because I've an affection for the old thing after all, and can't part without saying, God bless her! for it's an honest death to die in debt to the underwriters. I hope her old bones will rest in peace on terra-firma. Good-bye, captain—remember me to Manuel; and let us forget our troubles in Charleston by keeping away from it."

CHAPTER XXVI.

GEORGE THE SECESSIONIST, AND HIS FATHER'S SHIPS.

As we have said, the second mate and little Tommy remained to seek new voyages. Such was the fact with the second mate; but Tommy had contracted a violent cold on the night he was locked up in the guard-house, and had been a subject for the medicine-chest for some time; and this, with his ardent attachment for Manuel, and hopes to join him again as a sailing-companion, was the chief inducement for his remaining. The captain gave them accommodations in the cabin so long as he had possession of the ship, which afforded the means of saving their money, of which Tommy had much need; for notwithstanding he received a nice present from the consul, and another from the captain, which, added to the few dollars that were coming to him for wages, made him feel purse-proud, it was far from being adequate to sustain him any length of time, or to protect him against any sudden adversity.

The captain had not seen little George the secessionist, since his assurance that he would make everything right with Mr. Grimshaw, and have Manuel out in less than twenty-four hours. It was now the fourteenth of April, and the signs of his getting out were not so good as they were on the first day he was committed; for the vessel being condemned, if the law was carried to the strictest literal construction, Manuel would be tied up among the human

things that are articles of merchandise in South Carolina. He was passing from the wharf to the consul's office about ten o'clock in the morning, when he was suddenly surprised in the street by little George, who shook his hand as if he had been an old friend just returned after a long absence. He made all the apologies in the world for being called away suddenly, and consequently unable to render that attention to his business which his feelings had prompted. Like all secessionists, George was very fiery and transitory in his feelings. He expressed unmeasurable surprise when the captain told him the condition of his man in the old jail. "You don't say that men are restricted like that in Charleston? Well, now, I never was in that jail, but it's unsuited to the hospitality of our society," said he.

"Your prison groans with abuses, and yet your people never hear them," replied the captain.

George seemed anxious to change the subject, and commenced giving the captain a description of his journey to the plantation, his hunting and fishing, his enjoyments, and the fat, saucy, slick niggers, the fine corn and bacon they had, and what they said about massa, ending with an encomium of the "old man's" old whiskey, and how he ripened it to give it smoothness and flavour. His description of the plantation and the niggers was truly wonderful, tantalising the captain's imagination with the beauties of a growing principality in itself. "We have just got a new vessel added to our ships, and she sails for the Pedee this afternoon. We got the right stripe of a captain; but we have made him adopt conditions to be true to the secession party. As soon as I get another man, we'll despatch her in grand style, and no mistake."

The captain thought of his second mate, and suggested him at once.

"Just the chap! My old man would like him, I know," said George; and they returned directly to the *Janson*, where they found the second mate lashing his dunnage. The proposition was made and readily accepted. Again the captain parted with little George, leaving him to take the mate to his father's office, while he pursued his business at the consul's.

George led the mate into the office. "Here, father, here's a man to go in our vessel," said he. The old man looked upon him with a serene importance, as if he was fettered with his own greatness.

"My shipping-interests are becoming very extensive, my man. I own the whole of four schooners, and a share in the greatest steam-ship afloat—I mean screw-ship—the *South Carolina*. You've heard of her, I suppose?" said the old man.

Jack stood up with his hat in his hand, thinking over what he meant by big interests, and "reckoning he hadn't seen the establishment of them shipowners about Prince's Dock what owned more ships a-piece than there were days in the month."

"Now, my man," continued the old man, "I'm mighty strict about my discipline; for I want every man to do his duty for the interests of the owners. But how many dollars do you want a month, my man?"

"Nothing less than four pounds starling; that's twenty dollars your currency, if I reckon right," said Jack, giving his hat a twirl upon the floor.

"Wh-e-w! you belong to the independent sailors. You'll come down from that afore you get a ship in this

port. Why, I can get a good, prime nigger feller sailor for eight dollars a month and his feed."

Jack concluded not to sail in any of the old man's *big ships*, and said, "Yes, I joined them a long time ago, and I ha'n't regretted it neither; wouldn't pull a bow-line a penny less. I don't like drogging, nohow. Good morning, sir," said he, putting on his hat and backing out of the door.

"I wish you'd a taken a chance with my father, old fellow; he'd a made you captain afore a year," said George, as he was leaving the door.

"The like o' that don't signify. I've been skipper in the West Ingie trade years ago. There isn't much difference between a nigger and a schooner's captain," said Jack, as he walked off to the *Janson*, preparatory to taking lodgings ashore.

That afternoon, about five o'clock, a loud noise was heard on board a little schooner, of about sixty tons register, that lay in a bend of the wharf a few lengths ahead of the *Janson*. Captain Thompson and his second mate were seated on a locker in the cabin, conversing upon the prospects ahead, when the noise became so loud that they ran upon deck to witness the scene.

George stood upon the capsill of the wharf with mortification pictured in his countenance. "Well, captain, you needn't make so much noise about it; your conduct is decidedly ungentlemanly. If you don't wish to sail in father's employ, leave like a gentleman," said George, pulling up the corners of his shirt-collar.

It was the great craft that George had distended upon, and the veritable captain of the right stripe, who promised to toe the mark according to secession principles, but

made no stipulations for the nigger feed that was the cause of the excitement. The captain, a Baltimore coaster, and accustomed to good fare in his vessels at home, had been induced, by large representations, to take charge of the craft and run her in the Pedee trade, bringing rice to Charleston. On being told the craft was all ready for sea, he repaired on board, and, to his chagrin, found two black men for a crew, and a most ungainly old wench, seven shades blacker than Egyptian darkness, for a cook. This was imposition enough to arouse his feelings; for but one of the men knew anything about a vessel. But on examining the stores, the reader may judge of his feelings, if he have any idea of supplying a vessel in a Northern port, when we tell him that all and singular the stores consisted of a shoulder of rusty Western bacon, a half-bushel of rice, and a jug of molasses; and this was to proceed the distance of a hundred miles. But to add to the ridiculous farce of that South Carolina notion, when he remonstrated with them, he was very indifferently told that it was what they *always* provided for their *work-people.*

"Take your little jebacca-boat, and go to thunder with her!" said the captain, commencing to pick up his duds.

"Why, captain, I lent you my gun, and we always expect our captains to make fresh provision of game as you run up the river," said George.

"Fresh provisions, the devil!" said the captain. "I've enough to do to mind my duty, without hunting my living as I pursue my voyage, like a hungry dog. We don't do business on your nigger-allowance system in Maryland." And here we leave him, getting one of the negroes to carry his things back to his boarding-house. We here take

leave of little George, who vanishes in that peculiar littleness of the South, which strives to build great things upon straws, and tapers down into the reality of small sound.

A few days after the occurrence we have narrated above, little Tommy, somewhat recovered from his cold, shipped on board a little centre-board schooner, called the *Three Sisters*, bound to the Edisto River for a cargo of rice. The captain, a little, stubby man, rather good-looking and well dressed, was making his maiden voyage *as captain* of a South Carolina craft. He was "*South Carolina born*," but, like many others of his kind, had been forced to seek his advancement in a distant State, through the influence of those formidable opinions which exiles the genius of the poor in South Carolina. For ten years he had sailed out of the port of Boston, had held the position of mate on two Indian voyages under the well-known Captain Nott, and had sailed with Captain Albert Brown, and received his recommendation; yet this was not enough to qualify him for the nautical ideas of a pompous South Carolinian.

Tommy got his baggage on board, and, before leaving, made another attempt at the jail to see his friend Manuel. He presented himself to the jailer, and told him how much he wanted to see his old friend before he left. The jailer's orders were imperative. He was told if he came next week he would see him; that he would then be released, and allowed to occupy the cell on the second floor with the other stewards. Recognising one of the stewards that had joined with them when they enjoyed their social feelings around the festive barrel, he walked into the piazza to meet him and bid him good-bye. While he stood

shaking hands with him, the poor negro* who had suffered with him in the guard-house came up and saluted him with a friendly recognition. Some two weeks had passed since the occurrence, and yet his head presented the effects of bruising, and was bandaged with a cloth. "Good young massa, do give me a fo'pence, for I'se mose starve," he said, in a suppliant tone. Tommy put his hand into his pocket, and, drawing out a quarter, passed it to the poor fellow, and received his thanks. Leaving a message for Manuel that he would be sure to call and see him

* The name of this poor fellow was George Fairchild. After being sent to the workhouse to receive twenty blows with the paddle when he was scarcely able to stand, he was taken down from the frame and supported to the jail, where he remained several weeks, fed at a cost of eighteen cents a day. His crime was "going for whiskey at night," and the third offence; but there was a variety of pleadings in his favour. His master worked his negroes to the very last tension of their strength, and exposed their appetites to all sorts of temptation, especially those who worked in the night-gang. His master flogged him once, while he was in the jail, himself, giving him about forty stripes with a raw hide on the bare back: not satisfying his feelings with this, he concluded to send him to New Orleans. He had an affectionate wife and child, who were forbidden to see him. His master ordered that he should be sent to the workhouse and receive thirty-nine paddles before leaving; and on the morning he was to be shipped, his distressed wife, hearing the sad news, came to the jail; but notwithstanding the intreaties of several debtors, the jailer could not allow her to come in, but granted, as a favour, that she should speak with him through the grated door. The cries and lamentations of that poor woman, as she stood upon the outside, holding her bond-offspring in her arms, taking a last sorrowing farewell of him who was so dearly cherished and beloved, would have melted a heart of stone. She could not embrace him, but waited until he was led out to torture, when she threw her arms around him, and was dragged away by a ruffian's hand.

Poor George Fairchild! We heard him moaning under the acute pain of the paddle, and saw him thrust into a cart like a dog, to be shipped as a bale of merchandise for a distant port.

when he returned, he passed from the house of misery and proceeded to his vessel.

The captain of the schooner had been engaged by parties in Charleston, who simply acted as agents for the owners. He had been moved to return to Charleston by those feelings which are so inherent in our nature, inspiring a feeling for the place of its nativity, and recalling the early associations of childhood. Each longing fancy pointed back again, and back he came, to further fortune on his native soil. His crew, with the exception of Tommy, consisted of three good, active negroes, one of whom acted as pilot on the Edisto River. Accustomed to the provisioning of Boston ships, he had paid no attention to his supplies; for, in fact, he only took charge of the little craft as an accommodation to the agents, and with the promise of a large vessel as soon as he returned; and, sailing with a fine stiff breeze, he was far outside the light when the *doctor* announced dinner. "What have you got that's good, old chap?" said he to the cook.

"Fust stripe, Massa Cap'en. A right good chance o' hominy and bacon fry," returned the negro.

"Hominy and what? Nothing else but that?"

"Why, massa! gracious, dat what Massa Whaley give all he cap'en, an' he tink 'em fust-rate," said the negro.

As they were the only whites on board, the captain took little Tommy into the cabin with him to sit at the same table; but there was too much truth in the negro's statement, and, instead of sitting down to one of those nice dinners which are spread in Boston ships, both great and small, there, on a little piece of pine-board, swung with a preventer, was a plate of black hominy covered with a few pieces of fried pork, so rank and oily as to be

really repulsive to a common stomach. Beside it was an earthen mug, containing about a pint of molasses, which was bedaubed on the outside to show its quality. The captain looked at it for a minute, and then taking up the iron spoon which stood in it, and letting one or two spoonfuls drop back, said, "Old daddie, where are all your stores? Fetch them out here."

"Gih, massa! here 'em is; 'e's jus' as Massa Stoney give 'em," said the negro, drawing forth a piece of rusty and tainted bacon, weighing about fifteen pounds, and, in spots, perfectly alive with motion; about a half-bushel of corn-grits; and a small keg of molasses, with a piece of leather attached to the bung.

"Is that all?" inquired the captain peremptorily.

"Yes, massa, he all w'at 'em got now, but git more at Massa Whaley plantation win 'em git da."

"Throw it overboard, such stinking stuff; it'll breed pestilence on board," said the captain to the negro (who stood holding the spoiled bacon in his hand, with the destructive macalia dropping on the floor), at the same time applying his foot to the table, and making wreck of hog, hominy, molasses, and plates.

"Gih-e-wh-ew! Massa, I trow 'im o'board, Massa Whaley scratch 'em back, sartin. He tink 'em fust-rate. Plantation nigger on'y gits bacon twice week, Massa Cap'en," said he, picking up the wreck and carrying it upon deck, where it was devoured with great gusto by the negroes, who fully appreciated the happy God-send.

The captain had provided a little private store of crackers, cheese, cigars, and a bottle of brandy; and turning to his trunk, he opened it, and drew them out one by one, passing the crackers and cheese to Tommy,

and imbibing a little of the deacon himself, thus satisfying the cravings of natule. Night came on: they were crossing the bar and approaching the outlet of the Edisto, which was broad in sight; but there was neither coffee nor tea on board, and no prospect of supper—nothing but a resort to the crackers and cheese remained, the stock of which had already diminished so fast, that what was left was treasured among the things too choice to be eaten without limitation. They reached the entrance, and, after ascending a few miles, came to anchor under a jut of wood that formed a bend in the river. The baying of dogs during the night intimated the vicinity of a settlement near, and in the morning the captain sent one of the negroes on shore for a bottle of milk. "Massa dat man what live yonder ha'n't much nohow, alwa's makes 'em pay seven-pence," said the negro. Sure enough it was true; notwithstanding he was a planter of some property, he made the smallest things turn to profit, and would charge vessels going up the river twelve and a half cents per bottle for milk.

The captain had spent a restless night, and found himself blotched with innumerable chinch-bites; and, on examining the berths and lockers, he found them swarming in piles. Calling one of the black men, he commenced overhauling them, and drew out a perfect storehouse of rubbish, which must have been deposited there, without molestation, from the day the vessel was launched up to the present time, as varied in its kinds as the stock of a Jew-shop, and rotten with age. About nine o'clock they got under weigh again, and, proceeding about twenty miles with a fair wind and tide, they came to another point in the river, on which a concourse of men had

assembled, armed to the teeth with guns, rifles, and knives. As he passed up, they were holding parley with a man and boy in a canoe a few rods from the shore. At every few minutes they would point their rifles at him, and, with threatening gestures, swear vengeance against him if he attempted to land. The captain, being excited by the precarious situation of the man and his boy, and anxious to ascertain the particulars, let go his anchor and "came to" a few lengths above.

Scarcely had his anchor brought up than he was hailed from the shore by a rough-looking man, who appeared to be chief in the manœuvre, and who proved to be no less a personage than a Mr. S——k, a wealthy planter.

"Don't take that man on board of your vessel, at the peril of your life, captain. He's an abolitionist," said he, accompanying his imperative command with a very Southern rotation of oaths.

The man paddled his canoe on the outside of the vessel, and begged the captain, "for God's sake, to take him on board and protect him; that an excitement had been gotten up against him very unjustly, and he would explain the circumstances if he would allow him to come on board."

"Come on board," said the captain. "Let you be abolitionist or what you will, humanity will not let me see you driven out to sea in that manner; you would be swamped before you crossed the bar."

He came on board, trembling and wet, the little boy handing up a couple of carpet-bags, and following him. No sooner had he done so, than three or four balls whizzed past the captain's head, causing him to retreat to the cabin. A few minutes intervened, and he returned to the deck.

"Lower your boat, and come on shore immediately!" they cried out.

The captain, not at all daunted, lowered his boat and went on shore. "Now, gentlemen, what do you want with me?" said he, when S——k stepped forward, and the following dialogue ensued—

"Who owns that vessel, and what right have you to harbour a d——d abolitionist?"

"I don't know who owns the vessel; I know that I sail her, and the laws of God and man demand that I shall not pass a man in distress, especially upon the water. He protests that he is not, and never was an abolitionist; offers to prove it if you will hear him, and only asks that you allow him to take away his property," rejoined the captain.

"What! then you are an abolitionist yourself?"

"No, sir. I'm a Southern-born man, raised in Charleston, where my father was raised before me."

"So much, so good; but just turn that d——d scoundrel ashore as quick as seventy, or we'll tie your vessel up and report you to the Executive Committee, and stop you getting on more freight on the Edisto."

"That I shall not do. You should have patience to investigate these things, and not allow your feelings to become so excited. If I turn him and his son adrift, I'm answerable for their lives if any accident should occur to them," rejoined the captain.

"Are you a secessionist, captain, or what are your political principles? You seem determined to protect abolitionists. That scoundrel has been associating with a nigger, and eating at his house ever since he has been here."

"Yes, yes! and we'll be d——d if he isn't an abolitionist," joined in a dozen voices; "for he dined at Bill Webster's last Sunday on a wild turkey. Nobody but an infernal abolitionist would dine with a nigger."

"As for politics, I never had much to do with them, and care as little about secession as I do about heathen mythology; but I like to see men act reasonably. If you want anything more of me, you will find me at Colonel Whaley's plantation to-morrow. Thus saying, he stepped into his boat and returned on board of his vessel. Just as he was getting under weigh again, whiz! whiz! whiz! came three shots, one in quick succession after the other, the last taking effect and piercing the crown of his hat, at which they retired out of sight. Fearing a return, he worked his vessel about two miles farther up, and came to anchor on the other side of the channel, where he waited the return of the tide, and had an opportunity to put his affrighted passengers on board a schooner that was passing down, bound to Charleston.

The secret of such an outrage is told in a few words. The man was a timber-getter from the vicinity of New Bedford, Massachusetts, who, with his son, a lad about sixteen years of age, had spent several winters in the vicinity of the Edisto, getting live-oak, which he considered a laudable enterprise. He purchased the timber on the stump of the inhabitants, at a price which left him very little profit, and had also been charged an exorbitant price for everything he got, whether labour or provisions; and so far had that feeling of South Carolina's self-sufficiency been carried out against him in all its cold repulsiveness, that he found much more honesty and true hospitality under the roof of a poor coloured man. This so

enraged some of the planters, that they proclaimed against him, and that *mad dog* cry of abolitionist was raised against him. His horse and buggy, books and papers, were packed up and sent to Charleston—not, however, without some of the most important of the latter being lost. His business was destroyed, and he and his child taken by force, put into a little canoe with one or two carpet-bags, and sent adrift. In this manner they had followed him two miles down the river, he begging to be allowed the privilege of settling his business and leaving respectably, they threatening to shoot him if he attempted to near the shore, or was caught in the vicinity. This was his position when the captain found him. He proceeded to Charleston, and laid his case before James L. Petigru, Esq., United States District Attorney, and, upon his advice, returned to the scene of "war on the banks of the Edisto," to arrange his business; but no sooner had he made his appearance than he was thrown into prison, and there remained when we last heard of him.

This is one of the many cases which afford matter for exciting comment for the editors of the *Charleston Mercury* and *Courier*, and which reflect no honour on a people who thus set law and order at defiance.

CHAPTER XXVII.

A SINGULAR RECEPTION.

It was about ten o'clock on the night of the fifteenth of April, when the schooner *Three Sisters* lay anchored close alongside of a dark jungle of clustering brakes, that hung their luxuriant foliage upon the bosom of the stream. The captain sat upon a little box near the quarter, apparently contemplating the scene; for there was a fairy-like beauty in its dark windings, mellowed by the shadowing foliage that skirted its borders in mournful grandeur, while stars twinkled on the sombre surface.

The tide had just turned, and little Tommy, who had rolled himself up in a blanket and laid down close to the captain, suddenly arose. "Captain, did you hear that?" said he.

"Hark! there it is again," said the captain. "Go and call the men; we must get under weigh."

It was a rustling noise among the brakes; and, when little Tommy went forward to call the men, two balls came whistling over the quarter, and then a loud rustling noise indicated that persons were retreating. The captain retired to the cabin and took Tommy with him, giving orders to the negro pilot to stand to the deck, get her anchor up, and let her drift up stream with the tide, determined that if they shot any person it should be the negroes, for whose value they would be held answerable.

Thus she drifted up the stream, and the next morning was at the creek at Colonel Whaley's plantation.

A number of ragged negroes came down to the bank in high glee at the arrival. and making sundry inquiries about corn and bacon. One old patriarchal subject cried out to the pilot, "Ah, Cesar, I 'now'd ye wah cumin'. Massa an' young Massa Aleck bin promis' bacon mor' den week ; gess he cum now."

"Got sum corn, but ven ye gets bacon out o' dis craf' ye kotch wesel dat an't got no hair on 'im," said Cesar.

The scene around was anything but promising—disappointing to the captain's exalted ideas of Colonel Whaley's magnificent plantation. The old farm-house was a barrack-like building, dilapidated, and showing no signs of having lately furnished a job for the painter, and standing in an arena surrounded by an inclosure of rough slats. Close examination disclosed fragments of gardening in the arena, but they showed the unmistakeable evidences of carelessness. At a short distance from this was a cluster of dirty-looking negro-huts, raised a few feet from the ground on palmetto piles ; and strung along from them to the brink of the river were numerous half-starved cattle and hogs, the latter rooting up the sod.

It was now nearly slack water, on a high flood, and the schooner lay just above the bend of the creek. Presently, a large, portly-looking man, dressed like a Yorkshire farmer, came to the bank, and, in a stentorious voice, ordered the captain to haul into the creek at once ! The manner in which the order was given rather taxed the captain's feelings, yet he immediately set his men to work heaving up the anchor, and carrying out "a line" to warp her in. But that slow motion with which negroes execute

all orders caused some delay; and no sooner had he begun to heave on the line than the tide set strong ebb, and carried him upon the lower point, where a strong eddy made by the receding water from the creek, and the strong undertow in the river, baffled all his exertions. There she stuck, and all the warps and tow-lines of a seventy-four, hove by the combined strength of the plantation, would not have started her. When the tide left, she careened over toward the river, for there was no means at hand to shore her up.

One of the drivers went up and reported "Massa, captain got 'im ship ashore;" and down came Colonel Whaley, with all the pomp of seven lord mayors in his countenance. "What sort of a feller are you to command a ship? I'd whip the worst nigger on the plantation if he couldn't do better than that. Rig a raft out and let me come aboard that vessel!" said he, accompanying his demands with a volley of vile imprecations that would have disgraced St. Giles's.

"Do you know who you're talking to? You mus'n't take me for a nigger, sir! I know my duty if you don't good manners," rejoined the captain.

"Do you know who owns that ship, you impudent feller, you? Take the sails off her, immediately—at once! or I'll shoot you, by heavens!" he bawled out again.

"Why didn't you say mud-scow? Call such a thing as this a ship! I don't care who owns her, I only know it's a disgrace to sail her; but I've got the papers, and you may help yourself. When you pay me for my time, and give me something for myself and these men to eat, you may take your old jebacca-boat; but you don't put a foot aboard her till you do!"

This made the colonel rage worse. "I'll teach you a lesson how you disobey my orders. Go get my rifle, Zeke," said the colonel, turning to an old negro who stood close by; and then calling to the men on board, he ordered them to take charge of the vessel and take the sails off her at once.

"Don't you move a hand to unbend a sail, Cesar! I don't know that man ashore there. This vessel is mine until further orders from the persons who shipped me," rejoined the captain, with an imperative demand to his men.

"Why, la! massa, he own 'em dis ere vessel, an' he shoot 'em sartin if we done do him; ye done know dat massa as I does," said Cesar.

"Don't touch a hand to those sails, I command one and all of you! There's two can play at shooting, and I'll shoot you if you disobey my orders." Then turning to those on shore, he warned them that he would shoot the first nigger that attempted to make a raft to come on board. The reader will observe that the poor negroes were in a worse dilemma than the captain—goaded on the one side by a ruthless master, who claims ownership and demands the executions of his orders, while on the other extreme the hired master proclaims his right, and warns them against the peril of varying one iota from his commands. Here the clashing feelings of arbitrary men come together, which have placed many a good negro in that complex position, that he would be punished by one master for doing that which he would have been punished by the other if he had left undone.

It may be said to the colonel's credit, he did not

return, rifle in hand, nor did the captain see him afterward; but a young gentleman, a son, who represented the father, came to the bank about an hour after the occurrence, and, making a lame apology for his father's temper, requested the captain to come on shore. The latter had concluded to await the return of the tide, run the vessel back to Charleston, report his reception, and deliver the vessel up to the agents; but, on further consideration, there was nothing to eat on board, and what could he do? He went on shore, and held a parley with the young man, whom he found much more inclined to respect *his colour*. "Your father took me for a nigger, and as such he presumed upon the dignity of his plantation. Now, I know my duty, and have sailed in the finest ships and with the best masters in the country. All I want is proper respect, something to eat, what there is coming to me, and my passage paid back to Charleston by land. No! I will not even request so much as that; give me something to eat, and my passage to Charleston, and you may do what you please with the vessel, but I shall deliver the papers to nobody but the persons who shipped me. And I shall want you to see this little boy attended to, for he's quite sick now," said the captain, pointing to Tommy, and calling him to him.

"Oh, yes," replied the young man, "we'll take care of the little fellow, and see him sent safely back!" and took leave, promising to have another interview in the afternoon. About twelve o'clock a negro boy came to the vessel with a tin pan covered with a towel, and presented it to Cesar, for "Massa Cap'en and buckra boy." Cesar brought it aft and set it upon the companion. It

contained some rice, a piece of bacon, corn-cake, and three sweet potatoes.

"Coarse fare; but I can get along with it. Come, Tommy, I guess you're hungry, as well as myself," said the captain; and they sat down, and soon demolished the feast of Southern hospitality. About five o'clock in the evening, the young man not making his appearance, the captain sent Tommy ashore to inquire for him at the house, telling him (in order to test their feelings) that he could stop and get his supper. Tommy clambered ashore, and up the bank, wending his way to the house. The young man made his appearance, offering an apology for his delay and inattention, saying the presence of some very particular friends from Beaufort was the cause. "My father, you are aware, owns this vessel, captain! You got a good dinner, to-day, by-the-bye," said he.

"Yes, we got along with it, but could have eaten more," rejoined the captain.

"Ah! bless me, that was the nigger's fault. These niggers are such uncertain creatures, you must watch 'em over the least thing. Well, now, captain, my father has sent you five dollars to pay your passage to Charleston!"

"Well, that's a small amount, but I'll try and get along with it, rather than stop here, at any rate," said the captain, taking the bill and twisting it into his pocket, and giving particular charges in regard to taking care of the boy. That night, a little after sundown, he took passage in a downward-bound coaster, bade a long good-bye to the Edisto and Colonel Whaley's plantation, and arrived in Charleston the next night. On the following morning he presented himself to the agents,

who generously paid him all his demands, and expressed their regrets at the circumstance. Acting upon the smart of feeling, the captain inclosed the five-dollar bill and returned it to the sovereign Colonel Whaley.*

* The Savannah *Republican*, of the 11th September, says, "We have been kindly furnished with the *particulars* of a duel which came off at Major Stark's plantation, opposite this city, yesterday morning, between Colonel E. M. Whaley and E. E. Jenkins, of South Carolina." Another paper stated that "after a single exchange of shots . . . . the affair terminated, but without a reconciliation." The same Colonel Whaley! Either of these journals might have given particulars more grievous, and equally as expressive of Southern life. They might have described a beautiful wife, a Northern lady, fleeing with her two children, to escape the abuses of a faithless husband—taking shelter in the Charleston Hotel, and befriended by Mr. Jenkins and another young man, whose name we shall not mention—and that famous establishment surrounded by the police on a Sabbath night, to guard its entrances—and she dragged forth, and carried back to the home of unhappiness.

CHAPTER XXVIII.

THE HABEAS CORPUS.

THE Captain of the *Janson* had settled his business, and was anxious to return home. He had done all in his power for Manuel; and, notwithstanding the able exertions of the consul were combined with his, he had effected nothing to relieve him. The law was imperative, and, if followed out, there was no alternative for him, except upon the ground of his proving himself entitled to a white man's privileges. To do this would require an endless routine of law, which would increase his anxiety and suffering twofold. Mr. Grimshaw had been heard to say that, if an *habeas corpus* were sued out, he should stand upon the technicality of an Act of the Legislature, refuse to answer the summons or give the man up. No, he would himself stand the test upon the point of right to the *habeas corpus;* and, if he was committed for refusing to deliver up the prisoner, he would take advantage of another Act of the Legislature, and, after remaining a length of time in jail, demand his release according to the statutes. So far was Mr. Grimshaw impressed with his own important position in the matter, and of the course which he should pursue, that he several times told the prisoners that he should be a prisoner among them in a few days, to partake of the *same* fare.

Judge Withers, however, saved him the necessity of

such important trouble. To those acquainted with Judge Withers it would be needless to dwell upon the traits of his character. To those who are not, we can say that his were feelings founded upon interest—moving in the foremost elements of secession—arbitrary, self-willed, and easily swayed by prejudice—a man known to the public and the bar for his frigidity, bound in his own opinions, and yielding second to the wishes and principles of none—fearful of his popularity as a judge, yet devoid of those sterling principles which deep jurists bring to their aid when considering important questions where life or liberty is at stake—a mind that would rather reinstate monarchy than spread the blessings of a free Government. What ground have we here to hope for a favourable issue?

Thus when the consul applied for the writ of *habeas corpus*, the right was denied him, notwithstanding the subject was heir-inherent to all the rights of citizenship and protection which the laws of his own nation could clothe him with. To show how this matter was treated by the press—though we are happy to say the feelings of the mercantile community are not reflected in it—we copy the *leader* from the *Southern Standard*, a journal published in Charleston, the editor of which professes to represent the conservative views of a diminutive minority. Here it is:—

"CHARLESTON, APRIL 23, 1852.

"*Coloured Seamen and State Rights.*

"Our readers have not forgotten the correspondence which some time since took place between his Excellency Governor Means and her British Majesty's Consul, Mr.

Mathew. We published in the *Standard* of the 5th December last the very temperate, dignified, and well-argued report of Mr. Mazyck, Chairman of the Special Committee of the Senate, to whom had been referred the message of the Governor, transmitting the correspondence. In our issue of the 16th December, we gave to our readers the able report of Mr. McCready, on behalf of the Committee of the other House, on the same subject.

"We have now to call the attention of the public to the fact, that the practical issue has been made, by which the validity of the laws in regard to coloured seamen arriving in our port is to be submitted to the judicial tribunals of the country. For ourselves, we have no fears for the credit of the State in such a controversy. The right of the State to control, by her own legislation, the whole subject-matter, can, as we think, by a full discussion, be established upon a basis which, in the South at least, will never hereafter be questioned. If there be defects in the details of the regulations enacted, the consideration of them is now precluded, when the issue presented is the right of the State to act at all times in the premises.

"The writ of *habeas corpus* was applied for before Judge Withers, during the term of the court which has just closed, by the British consul, through his counsel, Mr. Petigru in behalf of one Manuel Pereira, a coloured sailor, who claims to be a Portuguese subject, articled to service on board an English brig driven into this port by stress of weather; the said Manuel Pereira being then in jail under the provisions of the Act of the Legislature of this State passed in 1835, emendatory of the previous acts on the subject. Judge Withers, in compliance with

the requirements of the Act of 1844, refused the writ of *habeas corpus*, and notice of appeal has been given. Thus is the issue upon us.

"We have but one regret in the matter, and that is, that the case made is one where the party asking his liberty has been driven into our harbour involuntarily. Great Britain, it is true, is the last power which should complain on this account, with her own example in the case of the *Enterprise* before her eyes; but we do not, we confess, like this feature of the law. We have no doubt, however, that this fact being brought to the notice of the executive, it will interfere promptly to release the individual in the present case, provided the party petitions for the purpose, and engages at once to leave the State. But we shall see nothing of this. Mr. Manuel Pereira, like another John Wilkes, is to have settled in his person great questions of constitutional liberty. The posterity which in after-times shall read of his voluntary martyrdom and heroic self-sacrifice in the cause of suffering humanity must be somewhat better informed than Mr. Pereira himself; for we observe that his clerkly skill did not reach the point of enabling him to subscribe his name to the petition for *habeas corpus* which is to figure so conspicuously in future history, it being more primitively witnessed by his *mark*."

We are willing to give the legal gentleman who fills the editorial chair of that journal credit for the singular erudition of his article. The question is, whether he intended it for a specimen of the fruits of his deep thought upon human and national law, or as a specimen of composition? His reasoning seems both expanding and retracting; and so unlimited in metaphor that it is impossible

to trace a sequence of ideas. We have given the article verbatim, but can inform the editor that he has made some gross errors. A man taken from a dungeon, as it were, reduced to an emaciated skeleton, wearied with the dark prospect before him, and sick at heart that each hope vanished in disappointment, he may have marked his name, and not disgraced that intelligence which the learned editor would have found him endowed with, had he taken the trouble of walking to the jail. A mark may to some indicate most lamentable ignorance, and some men profit by it; while others mark themselves sad fools with wasted words.

An appeal was taken from this refusal, and carried before the Appeal Court, sitting at Columbia, the capital of the State. How was this treated? Without enlisting common respect, it sustained the opinion of Judge Withers, who was one of its constituted members. Under such a state of things, where all the avenues to right and justice were clogged by a popular will that set itself above law or justice, where is the unprejudiced mind that will charge improper motives in asking justice of the highest judicial tribunal in the country?

In the year 1445, a petition was presented, or entered on the rolls of the British Parliament, from the commons of two neighbouring counties, praying the abatement of a nuisance which promised fearful interruptions to the peace and quiet of their hamlets, in consequence of the number of attorneys having increased from eight to twenty-four, setting forth that attorneys were dangerous to the peace and happiness of a community, and praying that there should be no more than six attorneys for each county. The king granted the petition, adding a clause

which left it subject to the approval of the judges. Time works mighty contrasts. If those peaceable old commoners could have seen a picture of the nineteenth century, with its judiciary dotted upon the surface, they would certainly have put the world down as a very unhappy place. The people of Charleston might now inquire why they have so much law and so little justice?

CHAPTER XXIX.

THE CAPTAIN'S DEPARTURE AND MANUEL'S RELEASE.

AFTER remaining nearly three weeks in close confinement in a cell on the third storey, Manuel was allowed to come down and resume his position among the stewards, in the "stewards' cell." There was a sad change of faces. But one of those he left was there; and he, poor fellow! was so changed as to be but a wreck of what he was when Manuel was confined in the cell.

After little Tommy left, the captain deposited a sum of money with the jailer to supply Manuel's wants. The jailer performed his duty faithfully, but the fund was soon exhausted, and Manuel was forced to appeal to his consul. With the care for its citizens that marks the course of that Government, and the characteristic kindness of its representative in Charleston, the appeal was promptly responded to. The consul attended him in person, and even provided from his own purse things necessary to make him comfortable. We could not but admire the nobleness of many acts bestowed upon this humble citizen through the consul, showing the attachment and faith of a Government to its humblest subject. The question now was, would the Executive release him? Mr. Grimshaw had interposed strong objections, and made unwarrantable statements in regard to his having been abandoned by his captain, the heavy expenses incurred

to maintain the man, and questioning the validity of the British consul's right to protect him. Under the effect of these representations, the prospect began to darken, and Manuel became more discontented, and anxiously awaited the result.

In this position a petition was despatched to the Executive, asking that the man might be released, on the faith of the British Government that all expenses be paid, and he immediately sent beyond the limits of the State.

But we must return and take leave of Captain Thompson, before we receive the answer to the petition. The day fixed for his departure had arrived. He had all his papers collected, and arose early to take his accustomed walk through the market. It was a little after seven o'clock, and, as he approached the singular piece of wood-work that we have described in a previous chapter as the Charleston whipping-post, he saw a crowd collected around it, and negroes running to the scene, crying out, "*Buckra gwine to get whip! buckra get 'e back scratch!*" &c. &c. He quickened his pace, and, arriving at the scene, elbowed his way through an immense crowd, until he came to where he had a fair view. Here, exposed to view, were six respectably-dressed white men, to be whipped according to the laws of South Carolina, which flog in the market for petty theft. Five of them were chained together, and the other scientifically secured to the machine, with his bare back exposed, and Mr. Grimshaw (dressed with his hat and sword of office to make the dignity of the punishment appropriate) laying on the stripes with a big whip, and rising on tip-toe at each blow to add force, making the flesh follow the lash. Standing around were about

a dozen huge constables, with long-pointed tipstaffs in their hands, while two others assisted in chaining and unchaining the prisoners. The spectacle was a barbarous one, opening a wide field for reflection. It was said that this barbarous mode of punishment was kept up as an example for the negroes. It certainly is a very singular mode of inspiring respect for the laws.

He had heard much of T. Norman Gadsden, whose fame sounded for being the greatest negro-seller in the country, yet he had not seen him, though he had witnessed several negro-sales at other places. On looking over the papers after breakfast, his eye caught a flaming advertisement with "T. Norman Gadsden's sale of negroes" at the head. There were plantation negroes, coachmen, house-servants, mechanics, children of all ages, with descriptions as various as the kinds. Below the rest, and set out with a glowing delineation, was a description of a remarkably fine young sempstress, very bright and very intelligent, sold for no fault. The notice should have added an *exception*, that the owner was going to *get* married.

He repaired to the place at the time designated, and found them selling an old plantation negro, dressed in ragged grey clothes, who, after a few bids, was knocked down for three hundred and fifty dollars. "We will give tip-top titles to everything we sell here, to-day; and, gentlemen, we shall now offer you the prettiest wench in town. She is too well-known for me to say more," said the notorious auctioneer.

A number of the first citizens were present, and among them the captain recognised Colonel S——, who approached and began to descant upon the sale of the woman. "It's a d——d shame to sell that girl, and that fellow

ought to be hung up," said he, meaning the owner; and upon this he commenced giving a history of the poor girl.

"Where is she? Bring her along! Lord! gentlemen, her very curls are enough to start a bid of fifteen hundred," said the auctioneer.

"Go it, Gadsden, you're a trump!" rejoined a number of voices.

The poor girl moved to the stand, pale and trembling, as if she was stepping upon the scaffold, and saw her executioners around her. She was very fair and beautiful —there was something even in her graceful motions that enlisted admiration. Here she stood almost motionless for a few moments.

"Gentlemen, I ought to charge all of you sevenpence a sight for looking at her," said the auctioneer. She smiled at the remark, but it was the smile of pain.

"Why don't you sell the girl, and not be dogging her feelings in this manner?" said Colonel S——.

Bids continued in rapid succession from eleven hundred up to thirteen hundred and forty. A well-known trader from New Orleans stood behind one of the city brokers, motioning him at every bid, and she was knocked down to him. We learned her history, and know the sequel.

The captain watched her with mingled feelings of pain and regret, and would fain have said, "Good God? and why art thou a slave? No art could give thee more of beauty than thou hast, nor change that face with smiles of pensive love—beaming with downcast pride, beneath those flowing tresses; no nature could have blessed thee more, or given of all that makes the love of woman; and yet thou canst not say those beauties are thine own— given by nature as the gifts of God, and by man stolen,

that the merchandise of lust may bring its price to serve the love of gold." Beneath that swelling bosom once burned a transient hope that cheered the transport of her bondage, and gave to fancied pleasure a fresh-born spell of joy; but now man had melted it into sorrow, drop by drop, like deadly poison, wasting away the threads of her life.

The history of that unfortunate beauty may be comprehended in a few words, leaving the reader to draw the details from his imagination. Her mother was a fine mulatto slave, with about a quarter Indian blood. She was the mistress of a celebrated gentleman in Charleston, who ranked among the *first* families, to whom she bore three beautiful children, the second of which is the one before us. Her father, although he could not acknowledge her, prized her highly, and unquestionably never intended that she should be considered a slave. Alice, for such was her name, felt the shame of her position. She knew her father, and was proud to descant upon his honour and rank, yet must either associate with negroes or *nobody;* for it would be the death of *caste* for a white woman, however mean, to associate with her. At the age of sixteen she became attached to a young gentleman of high standing but moderate means, and lived with him as his mistress. Her father, whose death is well known, died suddenly away from home. On administering on his estate, it proved that, instead of being wealthy, as was supposed, he was insolvent; and the creditors insisting upon the children being sold, alice was purchased by compromise with the administrator, and retained by her lord under a mortgage, the interest and *premium* on which he had regularly paid for more than four years.

Now that he was about to get married, the excuse of the mortgage was the best pretext in the world to get rid of her.

The heartlessness of such acts, and the true affection of these unfortunates, are proverbial. The association is an evil of great magnitude—it destroys the natural affections, spreads the seeds of licentiousness deep and broad, striking a deadly blow at the root of the social system, and causing it to bear the withered fruits of libertinism, and provoking malevolence in its worst form.

All the pleasures that were strewn before him on the first night, and the many voices that clamoured to bestow attention upon him, dwindled into the perspective of a dark speck, when contrasted with such exhibitions. They were trinket sounds, without sentiment or feeling, overshadowed by cold thought and feeling, priding in its stoicism, without exhibiting a warm or tender regard for human feelings.

The captain turned from the scene with feelings that left deep impressions upon his mind, and that afternoon took his departure for his Scottish home.

Time passed heavily at the jail, and day after day Manuel awaited his fate with anxiety. At every tap of the prison-bell he would spring to the door and listen, asserting that he heard the consul's voice in every passing sound. Day after day the consul would call upon him and quiet his fears, re-assuring him that he was safe, and should not be sold as a slave. At length, on the seventeenth day of May, after nearly two months' imprisonment, the glad news was received that Manuel Pereira was not to be sold, according to the statutes, but to be released upon payment of all costs, &c. &c., and imme-

diately sent beyond the limits of the State. We leave it to the reader's fancy to picture the scene of joy on the reception of the news in the "stewards' cell."

The consul lost no time in arranging his affairs for him, and at five o'clock on the afternoon of the 17th of May, 1852, Manuel Pereira, a poor shipwrecked mariner, who, by the dispensation of an all-wise Providence, was cast upon the shores of South Carolina, and imprisoned because hospitality to him was "*contrary to law*," was led forth, pale and emaciated, by two constables, thrust into a closely-covered vehicle, and driven at full speed to the steamboat then awaiting to depart for New York. This is but a faint glimpse of the suffering to which coloured stewards are subjected in the Charleston jail.*

* There were no less than sixty-three cases of coloured seamen imprisoned on this charge of "contrary to law," during the calendar year ending on the twelfth of September, 1852. And now that abuses had become so glaring, a few gentlemen made a representation of the wretched prison regimen to his Excellency Governor Means, who, as if just awoke from a dream that had lasted a generation, addressed a letter to the Attorney-General, dated on the 7th of September, 1852, requesting a statement in regard to the jail—how many prisoners there were confined on the 12th day of September, under sentence and awaiting trial, the nature of offences, who committed by, and how long they had awaited trial; what the cost of the jail was, how much was paid by prisoners, and how much by the State, &c. &c. In that statement, the number of coloured seamen was, for reasons *best known* to Mr. Grimshaw, kept out of the statement; so also was the difference between thirty cents and eight cents a day, paid for the ration for each man. The real statement showed a bounty to the sheriff of fourteen hundred and sixty-three dollars on the provisions alone—a sad premium upon misery. Now, add to this a medium amount for each of these sixty-three sailors, and we have between eight and nine hundred dollars more, which, with sundry jail-fees and other cribbage-money, makes the Charleston jail a nice little appendage to the sheriff's office, and will fully account for the tenacity with which those functionaries cling to the "*old system*."

We conclude the bills by giving Manuel's as it stands upon the books:—

"*Contrary to Law.*

British brig *Janson*, Capt. Thompson. } For Manuel Pereira, Coloured Seaman.

1852. To Sheriff of Charleston District.

May 15th.	To Arrest, dols. 2; Register, dols. 2	4.00 dols.
"	Recog., dol. 1.31; Constable, dol. 1	2.31 "
"	Commitment and Discharge	1.00 "
"	Fifty-two days' maintenance of Manuel Pereira, at 30 cents per day	15.60
		22.81 dols.

Received payment,

J. D——, S. C. D.

Per Charles Kanapeaux, Clerk."

This amount is exclusive of all the long scale of law-charges and attorney's fees that were incurred, and is entirely the perquisite of the sheriff.

Now, notwithstanding that high-sounding clamour about the laws of South Carolina which every South Carolinian, in the redundance of his feelings, strives to impress you with the sovereignty of its justice, its sacred rights, and its pre-eminent reputation, we never were in a country or community where the privileges of a certain class were so much abused. Everything is made to conserve popular favour, giving to those in influence power to do what they please with a destitute class, whether they be white or black. Official departments are turned into depôts for miserable espionage, where

the most unjust schemes are practised upon those whose voices cannot be heard in their own defence. A magistrate is clothed with, or assumes a power that is almost absolute, committing them without a hearing, and leaving them to waste in jail; then releasing them before the court sits, and charging the fees to the State; or releasing the poor prisoner on receiving "black mail" for the kindness; giving one man a peace-warrant to oppress another whom he knows cannot get bail; and where a man has served out the penalty of the crime for which he was committed, give a peace-warrant to his adversary that he may continue to vent his spleen upon him. In this manner, we have known a man who had served seven months' imprisonment for assault and battery, by an understanding between the magistrate and the plaintiff, continued in jail for several years upon a peace-warrant, issued by the magistrate from time to time, until, at length, he shot himself in jail. The man was a peaceable man, and of a social temperament. He had been offered the alternative of leaving the State; but he scorned to accept it. To show that we are correct in what we say respecting some of the Charleston officials, we insert an article which appeared in the *Charleston Courier* of Sept. 1, 1852:—

[For the *Courier*.]

"Many of the quiet and moral portion of our community can form no adequate conception of the extent to which those who sell liquor and otherwise trade with our slaves are now plying their illegal and demoralising traffic. At no period within our recollection has it prevailed to such an alarming extent; at no period has its influence upon our slave population been more

palpable or more dangerous; at no period has the municipal administration been so wilfully blind to these corrupt practices, or so lenient and forgiving when such practices are exposed. . . .

"We have heard it intimated that, when General Schnierle is a candidate for the mayoralty, they are regularly assessed for means to defray the expenses of the canvass. Instances are not wanting where amounts of money are paid monthly to General Schnierle's police as a reward for shutting their eyes and closing their lips when unlawful proceedings are in progress. We have at this moment in our possession a certificate from a citizen, sworn to before Mr. Giles, the magistrate, declaring that he, the deponent, heard one of the city police-officers (Sharlock) make a demand for money upon one of these shop-keepers, and promised that, if he would pay him five dollars at stated intervals, 'none of the police-officers would trouble him.' This affidavit can be seen, if inquired for, at this office. Thus bribery is added to guilt; and those who should enforce the laws are made auxiliaries in their violation. Said one of these slave-destroyers to us, 'General Schnierle suits us very well. I have no trouble with General Schnierle'— remarks at once repugnant and suggestive. . . . We are told by one that Mr. Hutchinson, when in power, fined him heavily (and, as he thought, unjustly) for selling liquor to a slave; hence he would not vote for him. An additional reason for this animosity toward Mr. Hutchinson arises from the fact that the names of offenders were always published during that gentleman's administration, while under that of General Schnierle they are screened from public view. On any Sunday evening, light may be seen in the shops of these dealers. If the passer-by

will for a few moments stay his course, he will witness the ingress and egress of negroes; if he approach the door, he will hear noise as of card-playing and revelry within. And this is carried on unblushingly; is not confined to a shop here and a shop there, but may be observed throughout the city. The writer of this article, some Sundays since, witnessed from his upper window a scene of revelry and gambling in one of these drinking-shops which will scarcely be credited. A party of negroes were seen around a card-table, with money beside them, engaged in betting; glasses of liquor were on the table, from which they ever and anon regaled themselves, with all the *nonchalance* and affected mannerism of the most fashionable blades of the *beau monde*.

"This may not be a 'desecration of the Sabbath' by the municipal authorities themselves, but they are assuredly responsible for its profanation. Appointed to guard the public morals, they are assuredly censurable if licentiousness is suffered to run its wild career unnoticed and unchecked. We do not ask to be believed. We would prefer to have sceptical rather than credulous readers. We should prefer that all would arise from the perusal of this article in doubt, and determine to examine for themselves. We believe in the strength and sufficiency of ocular proof, and court investigation. . . .

"We are abundantly repaid if we succeed in arousing public attention to the alarming and dangerous condition of our city. . . . Let inquiry be entered into. We boldly challenge it. It will lead to other and more astonishing developments than those we have revealed.

(Signed) "A Responsible Citizen."

CHAPTER XXX.

MANUEL'S ARRIVAL IN NEW YORK.

WHEN we left Manuel, he was being hurried on board the steamship, as if he was a bale of infected goods. Through the kindness of the clerk in the consul's office, he was provided with a little box of stores to supply his wants on the passage, as it was known that he would have to "go forward." He soon found himself gliding over Charleston bar, and took a last look of what to him had been the city of injustice. On the afternoon of the second day, he was sitting upon the forward deck eating an orange that had been given to him by the steward of the ship, probably as a token of sympathy for his sickly appearance, when a number of passengers, acting upon the information of the clerk of the ship, gathered around him. One gentleman from Philadelphia, who seemed to take more interest in the man than any other of the passengers, expressed his indignation in no measured terms, that such a man should be imprisoned as a slave. "Take care," said a bystander, "there's a good many Southerners on board."

"I don't care if every slaveholder in the South was on board, holding a knife at my throat; I'm on the broad ocean, where God spreads the breezes of freedom that man cannot enslave," said he, sitting down beside Manuel, and getting him to recount the details of his

shipwreck and imprisonment. The number increased around him, and all listened with attention until he had concluded. One of the spectators asked him if he would have something good to eat; but he declined, pulling out the little box that the consul had sent him, and, opening it before them, showed it to be well stored with little delicacies.

The Philadelphian motioned that they take up a subscription for him, and almost simultaneously took his hat off and began to pass it around; but Manuel, mistaking the motive, told them that he never yet sought charity—that the consul had paid him his wages, and he had money enough to get home. But if he did not accept their contributions, he had their sympathies and their good wishes, which were more prized by him, because they were contrasted with the cold hospitality he had suffered in Charleston.

On the morning of the twentieth he arrived in New York. Here things wore a different aspect. There were no constables fettering him with irons, aggravating his feelings, and dragging him to a miserable cell overrun with vermin. He had no scientific ordeal of the statutes to pass through, requiring the measure of his form and features; and he was a man again, with life and liberty, and the dark dread of the oppressor's power far from him. He went to his comfortable boarding-house, and laid his weary limbs down to rest, thanking God that he could now sleep in peace, and awake to liberty. His system was so reduced that he was unable to do duty, although he was anxious to proceed on his way to join the old owners, but wanted to work his way in the capacity of steward. Thus he remained in

New York more than four weeks, gaining vigour and strength, and with a lingering hope that he should meet his little companion.

He did not forget Jane's kindness during his imprisonment; and, by the return of the steamer, sent her a flashy calico dress, and a dozen bandanas of the choicest colours—a great many good wishes, and happy deliverances for those he left in prison, and *a heap o' how 'di* for the old folks.

On the 21st of June, being well recruited, he sailed for Liverpool, and, after a remarkably calm passage of thirty-four days, arrived in the Mersey, and in forty-eight hours more the ship was safely within the Princess' Dock, and all hands ready to go on shore. In the same dock was a ship taking in cargo and passengers for Charleston, South Carolina. Manuel went on board, and found, in conversation with the steward, that she had sailed from that port on the 23rd of May. A short conversation disclosed that they had been old shipmates from the Thames, on board of the Indiaman, *Lord William Bentinck,* and were on board of that ship when an unfortunate circumstance occurred to her on entering a British North American port, many years ago. Here they sat recounting the many adventures through which they had passed since that period, the ships they had sailed in, the sufferings they had gone through, and the narrow escapes they had had for their lives, until past midnight Manuel wound up by giving a detailed account of his sufferings in Charleston.

"What!" said the steward of the Charleston ship, "then you must have known our cabin-boy; he belonged to the same vessel?"

"What was his name?" inquired Manuel.

"Tommy Ward! and as nice a little fellow as ever served the cabin. Poor little fellow, we could hardly get him across."

"Gracious! that's my Tommy," said Manuel. "Where is he? He loves me as he does his life, and would run to me as a child would to his father. Little as he is, he has been a friend through my severest trials, and a companion in my pleasures. But it cannot be him, for he was full of cheerfulness and hearty when we parted."

"Here! you may know him by this; he pulled it from his neck and gave it to me to keep for him when we were mid-way across. It seemed a keepsake." Thus saying, the steward drew from his pocket the silver crucifix and necklace which Manuel had given him in the South.

Manuel stared at it for a moment, and then grasping it from the steward's hand, he exclaimed, "This has been my guide through the trials of the ocean and the land! I gave it to my little companion, and now it calls me to the hardest trial of my life. This is the certainty! It is him. Tell me where I shall find him?"

"Ah, poor child! I'm afraid you wouldn't know him now. He has suffered much since you saw him."

"Is he not aboard? Where can I find him?" inquired Manuel hastily.

"No, he is not aboard; he is at the hospital in —— street. Go there to morrow, and you will find him."

CHAPTER XXXI.

THE SCENE OF ANGUISH.

WE are sorry that, having traced the details of our narrative as they occurred, without adding for dramatic effect, we are constrained to conclude with a picture at once painful and harrowing to the feelings. We do this that we may be sustained by records in what we have stated, rather than give one of those more popular conclusions which restore happiness and relieve the reader's feelings.

Manuel retired to his berth, full of meditation. His little companion was before him, pictured in his child-like innocence and playfulness. He saw him in the youthful zeal and freshness of the night when he brought the well-laden haversack into his dreary cell, and which kind act was repaid by a night of suffering in the guard-house. There was too much of life and buoyancy in the picture his imagination called up, to reconcile the belief that anything serious had befallen him; and yet the man spoke in a manner that aroused the intensity of his feelings. It was a whisper full of fearful forebodings, and filled his mind with anxious expectation. He could not sleep; the anxiety of his feelings had awakened a nervous restlessness that awaited the return of morning with impatience.

Morning came. He proceeded to the hospital and

rang the bell. An aged gentleman came to the door, and, to his questions about Tommy being there, answered in the affirmative, and called an attendant to show him the ward in which the little sufferer lay. He followed the attendant, and, after ascending several flights of stairs, and following a dark, narrow passage nearly to its end, was shown into a small, single room on the right. The result was suggestive in the very atmosphere, which had a singular effect upon the senses. The room, newly-whitewashed, was darkened by a green curtain tacked over the frame of the window. Standing near the window were too wooden-stools and a little table, upon which burned the faint light of a small taper, arranged in a cup of oil, and shedding its feeble flickers on the evidences of a sick-chamber. There, on a little, narrow cot, lay the death-like form of his once joyous companion, with the old nurse sitting beside him, watching his last pulsation. Her arm encircled his head, while his raven locks curled over his forehead, and shadowed the beauty of innocence even in death.

"Is he there? is he there?" inquired Manuel in a low tone. At the same time a low, gurgling noise sounded in his ears. The nurse started to her feet as if to inquire for what he came. "He is my companion—my companion," said Manuel.

It was enough. The woman recognised the object of the little sufferer's anxiety. "Ah! it is Manuel. How often he has called that name for the last week!"

He ran to the bedside and grasped his little fleshless hand as it lay upon the white sheet, bathing his cold brow with kisses of grief. Life was gone—the spirit had winged its way to the God who gave it. Thus closed

the life of poor Tommy Ward. He died as one resting in a calm sleep, far from the boisterous sound of the ocean's tempest, with no proud words to sound his last exit, but God's love to shield his spirit in another and brighter world.

CONCLUSION.

In a preceding chapter, we left the poor boy on the plantation of Colonel Whaley, affected by a pulmonary disease, the seeds of which were planted on the night he was confined in the guard-house, and the signs of gradual decay evinced their symptoms. After Captain Williams —for such was the name of the captain of the *Three Sisters*—left the plantation, no person appeared to care for him; and on the second day he was attacked with a fever, and sent to one of the negro cabins, where an old mulatto woman took care of him and nursed him as well as her scanty means would admit. The fever continued for seven days, when he became convalescent and able to walk out; but feeling that he was an incumbrance to those around him, he packed his clothes into a little bundle and started for Charleston on foot. He reached that city after four days' travelling over a heavy, sandy road, subsisting upon the charity of poor negroes, whom he found much more ready to supply his wants than the opulent planters. One night he was compelled to make a pillow of his little bundle, and lay down in a corn-shed, where the planter, aroused by the noise of his dogs, which were confined in a kennel, came with a lantern and two negroes and discovered him. At first he ordered him off, and threatened to set the dogs upon him if he

did not instantly comply with the order ; but his miserable appearance affected the planter, and before he had gone twenty rods one of the negroes overtook him, and said his master had sent him to bring him back. He returned, and the negro made him a coarse bed in his cabin, and gave him some hominy and milk.

His hopes to see Manuel had buoyed him up through every fatigue ; but when he arrived, and was informed at the jail that Manuel had left three days before, his disappointment was extreme. A few days after he shipped as cabin-boy on board a ship ready for sea and bound to Liverpool. Scarcely half-way across, he was compelled to resign himself to the sick-list. The disease had struck deep into his system, and was rapidly wasting him away. The sailors, one by one in turns, watched over him with tenderness and care. As soon as the ship arrived, he was sent to the hospital, and there he breathed his last as Manuel entered the sick-chamber. We leave Manuel and a few of his shipmates following his remains to the last resting-place of man.

APPENDIX.

SINCE the foregoing was written, Governor Means, in his message to the Legislature of South Carolina, refers to the laws under which "coloured seamen" are imprisoned. We make the subjoined extract, showing that he insists upon its being continued in force, on the ground of "self-preservation"—a right which shipowners will please regard for the protection of their own interests:—

"I feel it my duty to call your attention to certain proceedings which have grown out of the enforcement of that law of our State which requires the Sheriff of Charleston to seize and imprison coloured seamen who are brought to that port. You will remember that the British Consul addressed a communication to the Legislature in December, 1850, on the subject of a modification of this law. A committee was appointed by the House and Senate to report upon it at the next session of the Legislature. These committees reported adverse to any modification. On the 24th March, 1852, Manuel Pereira was imprisoned in accordance with the law alluded to. The vessel in which he sailed was driven into the port of Charleston in distress. This was looked upon as a favourable case upon which to make an issue, as so strong an element of sympathy was connected with it. Accordingly, a motion was made before Judge Withers for a writ of *habeas corpus*, which was refused by him. These proceedings were instituted by the British Consul, it is said, under instructions from his Government, to test the constitutionality of the Act. I think it here proper to state that Pereira was at perfect liberty to depart at any moment that he could get a vessel to transport him beyond the limits of the State. In truth, in consideration of the fact that his coming into the State was involuntary, the Sheriff of Charleston, with his characteristic kindness, procured for him a place in a ship about to sail for Liverpool. Early in April Pereira was actually released, and on his way to the ship, having himself signed the shipping articles, when, by interposition of the British Consul, he was again consigned to the custody of the sheriff. A few days after this the British Consul insisted no longer on his detention, but voluntarily paid his passage to New York. This was looked upon as an abandonment of that case. The statement of Mr. Yates, together with the letter of the British Consul, are herewith transmitted.

"While these proceedings were pending, the Sheriff of Charleston had my instructions not to give up the prisoner, even if a writ of *habeas corpus* had been granted. I considered that the Act of 1844, entitled,

'An Act more effectually to prevent Negroes and other Persons of Colour from entering into this State, and for other purposes,' made it my duty to do so.

"On the 19th May Reuben Roberts, a coloured seaman, a native of Nassau, arrived in the steamer *Clyde*, from Baracoa. The Sheriff of Charleston, in conformity with the law of the State, which has been in force since 1823, arrested and lodged him in the district jail, where he was detained until the 26th of May, when, the *Clyde* being ready to sail, Roberts was put on board, and sailed the same day.

"On the 9th of June a writ in trespass for assault and false imprisonment, from the Federal Court, was served upon Sheriff Yates, laying the damage at 4000 dollars.

"The Act of 1844, I take it, was intended to prevent all interference on the part of any power on the face of the earth with the execution of this police regulation, which is so essential to the peace and safety of our community. Had the Legislature which passed it ever dreamed that the sheriff was to be subjected to the annoyance of being dragged before the Federal Court for doing his duty under a law of the State, I am sure it would have provided for his protection. As no such provision has been made for so unexpected a contingency, I recommend that you so amend this Act of 1844 that it may meet any case that may arise.

"It is certainly wrong to tolerate this interference with the laws enacted for the protection of our institution. In the general distribution of power between the Federal and State Governments, the right to make their own police regulations was clearly reserved to the States. In fact, it is nothing more nor less than the *right of self-preservation* —a right which is above all constitutions, and above all laws, and one which never was, nor never will be, abandoned by a people who are worthy to be free. It is a right which has never yet been attempted to be denied to any people, except to us.

"The complaint against this law is very strange, and the attempt to bring us in conflict with the General Government on account of it is still more remarkable; when, so far from its being at variance with the laws of the United States, it is only requiring the State authorities to enforce an Act of Congress, approved February 28th, 1803, entitled, 'An Act to prevent the importation of certain persons into certain States, where, by the laws thereof, their importation is prohibited.' By referring to this Act, you will see that the plaintiff in the action alluded to was prohibited by it from entering into this State. I deem it unnecessary, however, to enter fully into the argument. If any doubt should be entertained by you, as to its constitutionality, I beg leave to refer to the able opinion of the Hon. J. McPherson Berrien, delivered at the time he was Attorney-General of the United States, which I herewith send you.

"On the subject of the modification of this law, I am free to say that, when her B. M.'s Government, through its consul, made a respectful request to our Legislature to that effect, I was anxious that it should be made. It was with pleasure that I transmitted his first communication

to the last Legislature. I would have made a recommendation of its modification a special point in my first message, but that I thought it indelicate to do so, as the matter was already before the Legislature, and committees had been appointed to report upon it. Another reason for the neglect of this recommendation was the then excited state of party politics, which might have precluded the possibility of a calm consideration of the subject. But for the proceedings instituted in the premises, I would even now recommend a modification of the law, so as to require captains to confine their coloured seamen to their vessels, and to prevent their landing under heavy penalties. For while I think the State has a perfect right to pass whatever laws on this subject it may deem necessary for its safety, yet the spirit of the age requires that, while they should be so formed as to be adequate to our protection, they should be at the same time as little offensive as possible to other nations with whom we have friendly relations. But since an attempt has been made to defy our laws, and bring us in conflict with the Federal Government, on a subject upon which we are so justly sensitive, our own self-respect demands that we should not abate one jot or tittle of that law, which was enacted to protect us from the influence of ignorant incendiaries."

We are under many obligations to Governor Means for his remarks upon this subject. We esteem his character too highly to entertain an idea that he would knowingly make an incorrect statement; but, with a knowledge of the facts, we can assure him that he was misled by those whom he depended upon for information; and also, though his name deserves to stand pre-eminent among the good men of Carolina for recurring to that frightful state of things which exists in the Charleston prison, that he did not receive a correct statement in regard to it. In this want, his remarks lose much of their value. Subjects and grievances exist there which he should know most of, and yet he knows least, because he intrusts them to the *caretakers*, who make abuses their medium of profit.

Under the influence of that exceedingly suspicious, and yet exceedingly credulous characteristic of a people, few know the power that is working beneath the *sunshine* of South Carolina, and those who do stand upon that slave-worn ostentation which considers it beneath notice.

We have no interest nor feeling beyond that of humanity, and a right to expose the mendacity of those who have power to exercise it over the prisoners in Charleston. That mendacity has existed too long for the honour of that community, and for the feelings of those who have suffered under it.

It may be true that this case was considered a favourable one to try the issue upon; but no elements of sympathy were sought by the consul. That functionary to whom the governor has attributed "characteristic kindness" said, in our presence, and we have the testimony of others to confirm what we say, that, if Judge Withers had granted the *habeas corpus*, he would not have given up the prisoner, but rather

gone to jail and suffered the same regimen with the prisoners. Had he tried the accommodations, he would have found the "profits" more than necessary to appease common hunger.

The governor says, "Pereira was at liberty to depart at any moment that he could get a vessel to transport him beyond the limits of the State." How are we to reconcile this with the following sentence, which appears in the next paragraph: "While these proceedings were pending [*meaning the action instituted by the consul to release the prisoner*], the Sheriff of Charleston had my instructions not to give up the prisoner, even if a writ of *habeas corpus* had been granted?" According to this, the sheriff assumed a power independent of and above the governor's prerogative. We have attempted to picture the force of this in our work, and to show that there are official abuses cloaked by an *honourable dishonesty*, assimilating to that which dignifies the business of the local *factor* and *vendor* of human property, and which should be stayed by the power of the Executive.

The singular fact presents itself that, while Judge Withers was deliberating upon the question of granting the *habeas corpus*, the proceedings pending, and the governor's instructions to the contrary before him, the sheriff takes it upon himself to smuggle the prisoner out of port. Now, what was the object of this secret and concerted movement? Was it "kindness" on the part of that functionary, who has grasped every pretence to enforce this law? We think not. The reader will not require any extended comments from us to explain the motive; yet we witnessed it, and cannot leave it without a few remarks.

It is well known that it has been the aim of that functionary whose "*characteristic kindness*" has not failed to escape the governor's notice to thwart the consul in all his proceedings. In this instance, he engaged the services of a "shipping-master" as a pretext, and with him was about to send the man away when his presence was essential to test his right to the *habeas corpus*, and at this very time, more than two months' wages, due him from the owners, lay in the hands of the consul, ready to be paid on his release.

The nefarious design speaks for itself.

The consul was informed of the proceeding, and very properly refused to submit to such a violation of authority, intended to annul his proceedings. He preferred to await the "*test*," demanding the prisoner's release through the proper authorities. That release, instead of being "a few days after this," as the message sets forth, was not effected until the fifteenth of May.

Let the governor institute an inquiry into the treatment of these men by the officials, and the prison regimen, and he will find the truth of what we have said. Public opinion will not credit his award of "characteristic kindness" to those who set up a paltry pretext as an apology for their wrong-doing.

If men are to be imprisoned upon this singular *construction* of law (which is no less than arming the fears of South Carolina), is it any more than just to ask that she should pay for it, instead of imposing it

upon innocent persons? Or, to say the least, to make such comfortable provision for them as is made in the port of Savannah, and give them what they *pay* for, instead of charging thirty cents a day for their board, and making twenty-two of that profit?

Had the governor referred to the "*characteristic kindness*" of the jailer, his remarks would have been bestowed upon a worthy man, who has been a father to those unfortunates who chanced within the turn of his key.

In another part of his message, commenting upon the existence of disgraceful criminal laws, the management and wretched state of prisons, he says, "The Attorney-General, at my request, has drawn up a report on the subject of prisons and prison-discipline." Now, if such were the facts, the reports would be very imperfect to be drawn up by one who never visits the prisons.

We are well aware that he called for this report, and further that the Attorney-General, in a letter to the sheriff (of which we have a copy), propounded numerous questions in regard to the jail, calling for a statement in full, particularly the amount of fees paid to certain functionaries; those charged to the State; and the average number of prisoners per month, from Sept. 1851 to Sept. 1852, &c. &c. That letter was transmitted to the jailer—a man whose character and integrity is well known, and above reproach in Charleston—with a request that he would make out his report. He drew up his report in accordance with the calendar and the facts, but that report was not submitted. Why was it not submitted? Simply because it showed the profit of starving men in South Carolina prisons.

We have the evidence in our possession, and can show the Executive that he has been misled. We only ask him to call for the *original* statement, made out in the jailer's handwriting, and compare it with the calendar; and when he has done that, let us ask, Why the average of prisoners per month does not correspond? and why the enormous amount of fees accruing from upward of *fifty* "coloured seamen," imprisoned during the year, and entered upon the calendar "*contrary to law*," was not included?

It is a very unhealthy state of things, to say the least; but, as the sheriff considers it his own, perhaps we have no right to meddle with it.

All this clamour about the bad influence of "coloured seamen" is kept up by a set of mendicant officials, who harvest upon the fees, and falls to naught, when, at certain hours of the day during their imprisonment, they are allowed to associate with "bad niggers," committed for criminal offences and sale. If their presence is "dangerous," it certainly would be more dangerous in its connexion with criminals of the *feared* class.

Take away the fees—the mercantile community will not murmur, and the official *gentry* will neither abuse nor trouble themselves about enforcing the law to imprison *freemen*.

CORRESPONDENCE, ETC.,

FROM THE

'*Charleston Southern Standard*," *December* 5, 1851, *respecting*

THE LAW OF COLOURED SEAMEN.

[At the request, and in order to gratify the feelings of those who have taken an interest in the repeal of the laws imprisoning coloured seamen in the Slave States, we have inserted the correspondence between Mr. Mathew, her Britannic Majesty's Consul, and the Government of South Carolina, leaving the reader to judge of the manner in which he was treated by the authorities.]

The Special Committee to whom were referred the message of his Excellency the Governor, transmitting communications received by him from George B. Mathew, Esq., her Britannic Majesty's Consul for the States of North and South Carolina, relative to the law of this State, to prevent free negroes and other persons of colour from entering into it, ask leave respectfully to make the following

REPORT.

The grounds of complaint suggested by her Majesty's Consul, against the law in question, are substantially as follows :—

1st. That it takes from under the protection of the British flag, and imprisons in the common jails until the vessels in which they come are ready to depart, a class of her Majesty's subjects entering into the ports of South Carolina under the security of the treaty of commerce between her Majesty and the United States, in pursuit of lawful commerce, or in distress, thereby violating one of the provisions of the treaty, which is the supreme law of the land.

2nd. That it bears with peculiar hardship and inequality upon her Majesty's West Indian Colonies, which mainly depend for their supplies

of lumber, provisions, and other material articles, upon their trade with the United States, which is carried on in small vessels, chiefly manned by coloured crews, and for which the ports of North and South Carolina are especially suitable.

3rd. That it conflicts with the general principle of international law; that police or municipal regulations, co-existent with treaties, should extend to foreigners the same restrictions, and no more, which are applied to natives or subjects of the same class or calling.

The first article of the treaty declares that "there shall be between the territories of the United States of America and all the territories of her Britannic Majesty in Europe a reciprocal liberty of commerce. The inhabitants of the two countries respectively shall have liberty, freely and securely, to come with their ships and cargoes to all such places, ports, and rivers, in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any part of the said territories respectively; also, to hire and occupy houses and warehouses, for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries respectively.

This is, no doubt, the provision of the treaty with which our law is supposed to be at variance.

Such general language as is here used has never been, nor can it be, justly understood to deprive the contracting parties of the right to exclude, from their respective territories, any class of persons who might be burdensome to the public, or dangerous to the health, or to the peace, good order, and security of the community. Laws to provide against the ingress of persons labouring under contagious or infectious diseases, or coming from places where such diseases prevail, and laws for the exclusion of foreign paupers, and convicts, and persons of vicious character, are almost universal, and are not deemed inconsistent with the most liberal treaties of reciprocal commerce. Our law against the entrance of free persons of colour into the State falls strictly within the principles of these exceptions. Of the degree of necessity for the enactment of such laws, and their fitness for the purposes for which they are intended, each Government must judge for itself. In this, as in all other matters concerning the execution of treaties, the contracting parties are bound to the observance of good faith. If, under the pretext of excluding a dangerous class of persons, one party should exclude a material portion of the subjects of the other, usually employed in commerce and navigation, so as seriously to obstruct or embarrass the intercourse which the treaty was intended to sanction and secure, this would be a fraud upon the treaty, and might justly be complained of as such. But no such objection can be made to the law in question. It is certainly very far from being unreasonable or surprising that free persons of colour, coming from abroad into this State, should be deemed a dangerous class of persons, and dealt with accordingly. And they

constitute so inconsiderable a portion of the subjects of the British Empire that their exclusion cannot occasion any serious inconvenience to the commerce carried on in British vessels with the ports of such South Carolina. Nor can it be said, with a due regard to the proper sense of the words, that persons of this class, coming into our ports in British vessels, are taken from under the protection of the British flag. On the high seas, which are common to all nations, and not subject to the jurisdiction of anyone, a ship, and the persons on board of her, are under the protection of the nation to which she belongs, and the national flag is the emblem of this protecting power. But there is no principle of international law which carries the authority of one nation represented by its flag within the territorial limits of another. Foreign ships and their crews, in the ports of South Carolina, are therefore not under the protection of their own national flag, but subject to the authority and under the protection of our laws.

To so much of the communications of her Majesty's Consul as relate to the British West India Colonies, in particular, it is a sufficient answer that they are not embraced in the treaty with which our law is supposed to conflict; for the treaty provides only for a reciprocal liberty of commerce "between the territories of the United States of America and all the territories of her Britannic Majesty *in Europe*."

The complaint that British subjects of the class to which the law in question relates are put upon a different footing from persons of the same class, natives and subjects of this State, is entirely without foundation, and could only have arisen from inattention to the provisions of the law. In truth, all free coloured persons of the negro race, whether foreigners or natives, and whether they come in foreign or domestic vessels, are subjected to precisely the same rules; so that a free person of colour, born and brought up in this State, and only lately resident here, coming in a vessel owned by citizens of the State, would receive the same treatment as if he were a native subject of Great Britain, and came in a British vessel.

If the prevention of free persons of colour from entering into this State operates in any degree as an impediment to the commerce of British vessels with our ports, it can only be by very slightly diminishing the number of competitors for employment in the service of such vessels, and thereby proportionally enhancing the cost of the service; but as the same prohibition extends to all other vessels, its effect must be the same upon our whole import and export trade. A thorough analysis would therefore probably show that the whole or nearly the whole of the burden, whatever it may be, is borne by ourselves; but, at all events, it cannot be questioned that we bear at least an equal share of it.

The law which we are invited to surrender was originally introduced soon after the detection and suppression of an insurrectionary movement, devised and set on foot by a free negro who had been for some time in the habit of leaving the State, and returning to it at pleasure, and whose frequent excursions were proved to be connected with his bloody

designs. The law has existed for nearly thirty years, and during that time no similar conspiracy has occurred. How far it has contributed to this result we cannot pretend to estimate. But we know that the experience of our predecessors led them to adopt it, and there is certainly nothing in our experience to induce us to abandon it.

It was originally enacted and has been continued solely and exclusively with a view to our own internal good order and security, and without the remotest intention to trespass upon the rights or obstruct the commerce of any other people. If it has served in any degree to preserve the peace and welfare of the State, it is certainly of great importance to us, and ought not to be abandoned on account of any slight inconvenience it may occasion to others. Indeed, there is too much reason to believe that the murmurs and complaints against it, which come to us from abroad, are prompted much less by inconveniences actually felt than by a spirit of unfriendliness to our social order and institutions. The Committee are very far from intending to impute any such spirit to her Majesty's Government, or the gentleman who represents them here. They are, undoubtedly, actuated by no other motive than an honourable zeal to watch over and protect the rights of British subjects, wherever they are supposed to be infringed. But it may be safely assumed that such overtures as the one now under consideration are not made by the Executive Government, unless at the instance of other persons brought to bear upon them through the usual channels. And when one member of the popular branch of the British Legislature is seen actively engaged in the work of exciting the people of some of the States with which we are politically connected against our property and social order, it cannot be deemed extravagant or offensive to surmise that there may be individuals in that body quite capable of endeavouring to make the Government of their own country subservient to the same hostile designs. Nor is it at all improbable that such movements should be instigated and encouraged by our enemies on this side of the Atlantic.

It is not now for the first time that the opinion of Mr. Wirt, while Attorney-General of the United States, cited by her Majesty's Consul, has been brought to the view of the Legislature. In 1824, it was, with the correspondence which led to it, communicated by Mr. John Quincy Adams, then Secretary of State, to the Governor of this State, who laid it before the Legislature, and they then, after mature consideration, expressly dissented from and repudiated it. That opinion proceeds entirely upon the assumption that, by delegating to the Federal Government the power to regulate commerce and to make treaties, the several States divested themselves of the right to exclude from their respective territories such persons as might be deemed dangerous to the security and welfare of their people. It appears to the Committee that such an interpretation of the federal compact is not demanded by its purposes nor justified by its terms, and is utterly inconsistent with the safety and even the distinct sovereignty of the State.

This view of the Constitution is strongly supported by the opinion of the Chief Justice of the United States, judicially delivered, in a cause which received the fullest consideration, and expressed in the following unequivocal language: "I think it very clear, both upon principle and the authority of adjudged cases, that the several States have a right to remove from among their people, and to prevent from entering the State, any person, or class or description of persons, whom it may deem dangerous or injurious to the interests and welfare of its citizens; and that the State has the exclusive right to determine, in its sound discretion, whether the danger does or does not exist, free from the control of the General Government." "No treaty or Act of Congress has been produced, which gives, or attempts to give, to all aliens the right to land in a State." "I cannot believe that it was ever intended to vest in Congress, by the general words in relation to the regulation of commerce, this overwhelming power over the States; for if the treaty stipulation before referred to can receive the construction given to it in the argument, and has that commanding power claimed for it over the States, then the emancipated slaves of the West Indies have at this hour the absolute right to reside in, hire houses, and traffic and trade throughout the Southern States, in spite of any State law to the contrary, inevitably producing the most serious discontent, and ultimately leading to the most painful consequences. It will hardly be said that such a power was granted to the General Government in the confidence that it would not be abused. The statesmen of that day were too wise and too well read in the lessons of history, and of their own times, to confer unnecessary authority under any such delusion. And I cannot imagine any power more unnecessary to the General Government, and at the same time more dangerous and full of peril to the States."

The Committee submit, for the consideration of the Senate, the following resolutions:—

Resolved—That, in the opinion of this Legislature, the law of this State to prevent free negroes and other persons of colour from entering into the same, does not conflict with the treaty of commerce between Great Britain and the United States, nor with the Constitution of the United States, nor any law made in pursuance thereof.

Resolved—That it is inexpedient to repeal or alter the said law.

Resolved—That his Excellency the Governor be requested, in communicating the foregoing resolutions to her Britannic Majesty's Government, through her consul, to assure them that the law to which exception has been taken was passed and is maintained in no spirit of unfriendliness to the British nation, nor from any desire to embarrass their commerce, or to offend their just pride, but because it is deemed important to the internal peace and security of the State; and also to assure them, in response to the intimation that our adherence to the obnoxious regulation may lead to heavier impositions upon the importation of our products into the British dominions, that the people of this State are firmly attached to the principles of free-trade, and fully appreciate the pre-eminent importance of an unrestricted com-

merce with the subjects of her Britannic Majesty. But, highly as they value this most important branch of their trade, they value still more highly the exercise of their own untrammelled judgment in the selection of the necessary and proper means for securing their own safety and welfare, not inconsistent with a due regard to the rights of others. If they are compelled to choose between a commercial interest and an essential attribute of independent sovereignty, they will unhesitatingly prefer the latter; and they believe that their choice will command the sympathy of the Government and people of Great Britain.

A. Mazyck, *Chairman.*

H.B.M.'s Consulate,
Charleston, December 10th, 1851.

Sir,—It became my duty during the last year, as the local functionary of H.B.M's Government recognised by the President for the States of North and South Carolina, to invite the friendly consideration of your Excellency, and of the Legislature, to the State enactments respecting free persons of colour arriving in the ports of South Carolina, which were found to be seriously injurious to British commerce, and to affect, in a high degree, the liberties of a class of H.B.M.'s subjects.

The Select Committee to whom the matter was referred by the Legislature (consisting, I believe, of the Honourable Messrs. Mazyck, Porter, and Townsend, of the Senate, and of the Hon. Messrs. Mitchell, Read, McCready, Memminger, Middleton, Heyward, Cruikshank, Blum, and Manigault, of the House of Assembly), are, I am well aware, responsible *solely* to their constituents for their views; but a "Report," with certain proposed resolutions, from the three first named gentlemen to the Senate, having appeared in the public prints, I trust I may be permitted, without impropriety, to offer to your Excellency and the Legislature a few observations upon a document as adverse to my expectation as it is to the desire I have heard generally expressed.

The first of these resolutions, proposed for the adoption of the Legislature, declares that the law of South Carolina "does not conflict with the treaty of commerce between Great Britain and the United States, nor with the Constitution of the United States, nor any law made in pursuance thereof."

The State Law of 1835, now enforced against H.B.M.'s coloured subjects, at this port, is as follows:—

An Act, *more effectually to prevent Free Negroes and other Persons of Colour from entering into this State, and for other purposes.*

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any free negro or person of colour to migrate into this State, or be brought, or introduced into its limits, under any pretext whatever, by

land or by water; and in case any free negro or person of colour (not being a seaman on board any vessel arriving in this State) shall migrate into, or be introduced into this State, contrary to this Act, it shall and may be lawful for any white person to seize and convey him or her before any magistrate of the district or parish, where he or she may be taken; and it shall be the duty of the sheriff or constable in the parish or district in which the said entry shall be made, and of the city marshals in the City of Charleston, should the entry be made in Charleston, upon information of the migration or introduction of any such free negro or person of colour, to arrest and bring before some magistrate of the district or parish, where the said free negro or person of colour shall be taken, which magistrate is, by this Act, empowered to commit to prison, or at his discretion to hold to bail, such free negro or person of colour, and to summon three freeholders, and form a court as the law directs for the trial of persons of colour, and examine such free negro or person of colour within six days after his or her arrest, and, on conviction, to order him or her to leave the State, and to commit such free negro or person of colour so convicted to close prison, until such time as he or she can leave the State, or to release him or her, on sufficient bail, for any time not exceeding fifteen days, at the discretion of the magistrate. And every free negro or person of colour so bailed, and ordered to leave the State, as aforesaid, who shall not have left the State, within the time for which he or she shall have been released on bail, or who having left the State, after conviction as aforesaid, shall return into the same, shall be arrested and committed to close prison as aforesaid, and upon proof before a court, to be constituted as this Act directs, of his or her having failed to leave the State as aforesaid, or of his or her having returned into the State after having left the State as aforesaid, *he or she shall be subject to such corporal punishment, as the said court, in their discretion, shall think fit to order.* And if, after sentence or punishment, such free negro or person of colour shall still remain in the State longer than the time allowed, or, having left the State, shall thereafter return to the same, upon proof and conviction thereof, before a court, to be constituted as hereinbefore directed, *he or she shall be sold at public sale as a slave,* and the proceeds of such sale shall be appropriated and applied, one-half thereof to the use of the State, and the other half to the use of the informer.

SEC. II. And be it further enacted by the authority aforesaid, That it shall not be lawful for any free negro or person of colour to come into this State, on board of any vessel, as a cook, steward, or mariner, or in any other employment on board such vessel; and, in case any vessel shall arrive in any port or harbour of this State, from any other State or foreign port, having on board any free negro or person of colour, employed on board such vessel as a cook, steward, or mariner, or in any other employment, it shall be the duty of the sheriff of the district in which such port or harbour is situated immediately on the arrival of such vessel to apprehend such free negro or person of colour

so arriving, contrary to this Act, and to confine him or her closely in jail, until such vessel shall be hauled off from the wharf and ready to proceed to sea. And that, when said vessel is ready to sail, the captain of the said vessel shall be bound to carry away the said free negro or person of colour, and to pay the expenses of his or her detention. And in every such case, it shall be the duty of the sheriff, aforesaid, immediately on the apprehension of any free negro or person of colour, to cause said captain to enter into a recognisance, with good and sufficient security, in the sum of one thousand dollars for each free negro or slave so brought or introduced into this State, that he will comply with the requisitions of this Act; and that, on his neglect, refusal, or inability to do the same, he shall be compelled by the sheriff, aforesaid, to haul said vessel into the stream, one hundred yards distant from the shore, and remain until said vessel shall proceed to sea. And if said vessel shall not be hauled off from the shore as aforesaid, on the order of the sheriff, aforesaid, within twenty-four hours after the said order, the captain or commanding officer of said vessel shall be indicted therefore, and, on conviction, forfeit and pay one thousand dollars, and suffer imprisonment not exceeding six months.

SEC. III. And be it further enacted by the authority aforesaid, That, whenever any free negro or person of colour shall be apprehended and committed to jail, as having arrived in any vessel, in the capacity of cook, steward, mariner, or otherwise, contrary to this Act, it shall be the duty of the sheriff, during the confinement in jail of such free negro or person of colour, to call upon some justice of the peace or quorum, to warn such free negro or person of colour never to enter the said State, after he or she shall have departed therefrom, and such justice of the peace or quorum shall, at the time of warning such free negro or person of colour, insert his or her name in a book, to be provided for that purpose by the sheriff, and shall therein specify his or her age, occupation, height, and distinguishing marks; which book shall be good and sufficient evidence of such warning. And said book shall be a public record, and be subject and open to the examination of all persons who may make application to the clerk of the Court of General Sessions, in whose office it shall be deposited. And such justice shall receive the sum of two dollars, payable by the captain of the vessel in which said negro or person of colour shall be introduced into this State, for the services rendered in making such entry. And every free negro or person of colour who shall not depart the State, in case of the captain refusing or neglecting to carry him or her away, or, having departed, shall ever again enter into the limits of this State, by land or water, after having been warned as aforesaid, *shall be dealt with as the first section of this Act directs, in regard to persons of colour who shall migrate or be brought into this State.*

The amendment passed in 1844 declares that no persons apprehended under the Act shall be entitled to the writ of *habeas corpus.*

In 1815, a commercial treaty was passed between the United States

and Great Britain, in renewal of the Treaty of 1794, commonly known as "Jay's Treaty," the first article of which is in these words—

"There shall be between the territories of the United States and of his Britannic Majesty in Europe a reciprocal liberty of commerce."

"The inhabitants of the two countries respectively shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers, in the territories aforesaid, to which other foreigners are permitted to come, to enter the same, and to remain and reside in parts of the said territories respectively; also, to hire and occupy houses and warehouses for the purposes of their commerce. And, generally, the merchants and traders of each nation, respectively, *shall enjoy the most complete protection and security for their commerce:* but subject always to the laws and statutes of the two countries."

The difference between the language of this article and that used in Jay's Treaty consists in the substitution of the word "nation" for one less clearly expressing that the *latter* paragraph applied "*generally*" to each nation—in any part of the world.

The view taken in the "Report" of this Treaty, that H.B.M.'s subjects out of Europe were without protection under federal law, would then, I apprehend, be easily proved to be erroneous, were it necessary to do so; but the Committee have strangely overlooked the fact that, in pursuance of powers reserved, the commercial privileges (restricted under the treaty to vessels from Europe) were specifically extended to the British West Indies, by Act of Congress, of the 29th of May, 1830, and by the consequent proclamation of the President, on the 5th of October of that year.

The Constitution of the United States reads thus—

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

"The senators and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

The 9th Section, Art. 1, states—

"The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety requires it."

And the 8th clause expressly provides that "*Congress shall have power to regulate commerce with foreign nations and among the several States.*"

It will not, I conclude, be disputed that the Act of Congress of August, 1842, *especially confirms* to the masters and mariners of British vessels arriving in the ports of the United States, under the certified "*sanction*" of the British Government and customs' officers,

and arrested when claiming the privileges of a treaty, which if it be of doubtful import, must be decided by the laws of nations, the writ of *habeas corpus*.

Nor can I imagine that it will be contended that the seizure of a coloured British subject on the entrance into port of the vessel in which he is serving, and his transfer to jail, at the risk of corporeal punishment, or of being sold as a slave, should he be recognised as having previously been in this port, is not a violation of a treaty which guaranteed to British subjects the right "to come freely and securely with their ships and cargoes," and under which it is indisputable that up to a certain year persons of this class landed without hindrance.

The commerce of the West Indies with Southern ports of the United States is (in winter especially) of great importance to those Islands, where the state of the population and the nature of the climate preclude the employment of any considerable number of white mariners. The injury to their commerce and the serious effect upon their provision markets, by a law which takes from the master of the vessel a portion of his paid and articled labourers, and forces him to employ others (while he has to maintain his own in jail) at a considerable cost, is undeniable.

Your Excellency and the Legislature will perceive that a *bonâ fide* and serious impediment to British commerce is caused by the present state of the law, which I cannot, therefore, but hold to be at variance with the treaties, laws, and Constitution of the United States.

I regret that the Committee of the Senate should have extended to my words respecting the concurrence of laws of a police or municipal nature with treaties a meaning beyond my intent, and which they have refuted with somewhat unusual strength. I was not unaware of a clause in the very law under discussion forbidding the return to this State of free negroes, and I referred to that class who were *resident within* the State.

In support of my views upon these topics, it would be facile to quote the first legal authorities of all constitutional countries. The judicial opinion of an eminent South Carolina judge, Mr. Justice Johnson, upon these laws of the State, must be known to many members of the Legislature, nor will the clear official opinion of Mr. Calhoun, that "*it cannot be pretended that the rights guaranteed by treaty between two independent powers may be abridged or modified by the municipal regulations of one of the parties, without and against the consent of the other*," and that "*such a position is so utterly untenable that it would be needless to dwell upon it*," be without due weight.

Mr. Justice Grier, I find, judicially states, "the United States have made treaties and have regulated our intercourse with foreign nations, prescribing its conditions." "No single State, therefore, has the power to change them."

Mr. Justice McLean, in the same case, rules, "a concurrent power to regulate commerce is an anomaly not found in the Constitution." "Commerce includes in its meaning navigation and intercourse."

"Except to guard its citizens against diseases and paupers, the municipal powers of a State cannot prohibit the introduction of foreigners brought in the country under the authority of the Congress."

The distinguished legal names of Chief Justices Marshall, of Justice Story, Justice Wayne, and others, might, I find, be further adduced in support of these views.

I cannot, upon looking to the context, concur in the extreme meaning assigned by the Committee to the language of the eminent Chief Justice of the United States. If, indeed, that meaning were the correct one, the legal course would have been the exclusion of all the parties alluded to, and not their confinement in jail—with the possibility of ulterior heavy penalties. *Between the necessary business of a mariner in port, and his residence in the interior of the country, as a denizen thereof, there is a wide difference;* and my opinion of the Chief Justice's views is strengthened by his judicial opinion in his own name, and in that of the three brother justices in a recent case.

"All the powers that regulate our foreign commerce are confided to the General Government, where an authority is granted to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant; then the authority to the Federal Government is necessarily exclusive, and the same power cannot be constitutionally exercised by the States."

I cannot but hold, sir, that it is the duty of a country to protect, by adequate laws, and by a vigilant magistracy and constabulary, its institutions, and not by a system of exclusion. The wide difference of religious and political opinions, and the natural tendency of the denizens of one country to disseminate their conscientious views in another, may at the present time justify the Governments of some countries in believing the transit or residence of the denizens of other lands to be dangerous to their institutions; but public opinion would ultimately prove too powerful for any Government that (except in time of war or insurrection) resorted to a plan of exclusion, instead of one of vigilance.

The reference made by the Committee of the Senate to the share borne by the State, in any commercial loss from the existing laws, I do not quite comprehend, unless allusion be intended to the undoubted transfer of a part of the West Indian trade to Wilmington, where an enlightened policy is not found dangerous to existing institutions, but conducive to commercial prosperity.

The second resolution proposed to the adoption of the Legislature is: "That it is inexpedient to alter or repeal the said law."

If it were conceded that circumstances could sanction the authority claimed by the Committee over the rights of treaties, and the commerce of nations; it appears to me (and I assure myself that your Excellency and the Legislature will concur with me) that every endeavour should be made, every mode cheerfully tried, to carry out the laws in their spirit, in the way the least offensive or detrimental to others.

There are, I believe, many plans by which the present laws on this subject might be modified, without in any degree impairing their efficiency. *The suggestion, among others, made some months since, in a leading journal of this State, that coloured persons should be restricted to their vessels, excepting when engaged in loading or unloading, under a police passport or ticket, on the wharfs, appeared to meet with approbation, even from those who most strongly upheld the necessity of stringent enactments.*

The Committee does no more than justice to her Britannic Majesty's Government, and to me individually, in believing in the total absence of any desire to interfere in the established institutions of the State; but, while I feel certain of the conscientious adoption of their extreme opinions on this subject, I shall not, I believe, stand alone, in regretting, *in the best interests of South Carolina*, a course on their part which, if acceded to by the Legislature, must lead to the immediate consideration of her Majesty's Government of ulterior measures, and must strongly influence public opinion in both countries.

The conduct or language of individuals, wholly unconnected with the responsible government of a country, should not, I think, be permitted to enter into official or legislative communications: at the same time, the possibility of adverse intentions would seem to point out to true patriotism the prudence of endeavouring to remove the standing ground of attack.

I am bound, sir, to repudiate the classification (inferred by the language of the Committee) of her Majesty's coloured subjects, many of whom fill, with credit, the positions of members of the Legislature and magistracy in the British colonies, with a class whom all nations deem themselves to be entitled to guard against.

The third resolution tendered to the Legislature appears to me, in its first part, wholly at variance with the foregoing one.

The recipient of, not the agent in inflicting an injury is the judge of its nature and extent; and I cannot but view the coloured law of South Carolina, *in its present mode of enforcement*, as most offensive towards Great Britain, and contrasting greatly with her liberal commercial policy.

Under these circumstances, I entertain the sincere hope that the Legislature will not act upon the resolutions proposed to it, but feeling the importance of the case, and its pressing necessity, will not separate without passing some *adequate* amendment to a law which I sincerely believe to be not only nugatory for its object, but liable from its working to increase the danger which it was intended to counteract.

My correspondence with your Excellency (apparently misunderstood in some quarters) was, I believe, the most correct, as it was the most courteous course, by bringing, as duly authorised, *in the first instance*, the reclamations of British subjects against the enactments of the State before the local Legislature. It will be deeply gratifying to me to find my views on this subject warranted by the result.

By the permission of your highly eminent fellow citizen, Mr. Petigru, I beg to inclose his legal opinion upon the coloured laws of South Carolina.

With sentiments of high consideration,

I have the honour to be,

Your Excellency's most obedient servant,

GEORGE MATHEW.

OPINION.

As the Treaty of July, 1815, is the supreme law of the land, the Acts in question are unconstitutional in case they are inconsistent with the due performance of the obligations of that treaty. The part of the treaty stipulations with which those Acts are supposed to conflict is that which guarantees to the inhabitants of each country liberty of entering the ports of the other with their ships and cargoes, the privilege of residing, without reference to the purpose of residence, of hiring houses for the purpose of trade, and enjoying the full protection of commerce. It cannot be denied that the Acts in question interfere with the right of entering the ports of South Carolina, for they render it highly penal to do so, unless the crew of the vessel come within a certain qualification. But the question is, whether such a qualification is not within the meaning of the express exception, or proviso, that the privileges conferred by the treaty shall be subject to the laws and statutes of the two countries respectively? It must be conceded that the laws and statutes of the State are comprehended under, and have the benefit of this proviso. But this does not solve the difficulty. The State has all the power over the subject which a sovereign could have, and which is consistent with the obligation of the treaty; but whether a sovereign can, of right, make regulations, inconsistent with treaty stipulations, is the real question.

If that question be considered, in a legal point of view, the answer must be in the negative. A treaty is a contract; and there can be no such thing as a right, in a contracting party, to violate his contract. But, by the Constitution of the United States, a treaty is not only a contract, but the supreme law. The Government may put an end to a treaty; but during a continuance of a treaty it has no right, by an Act of Congress, to do what the treaty forbids. This is not to be understood of public or political rights without exception; for many and very important questions may arise under a treaty of which courts of justice can take notice. But when a case does arise for asserting a claim secured by a treaty, no court of justice can recognise such a thing as a right to violate the obligations of a treaty—at least, no court which sits under the authority of the Constitution of the United States. Nor can there be, any where, a doubt as to the principle, which is well expressed in Mr. Calhoun's note to Mr. Shannon, of 20th June, 1844: "*It cannot be pretended that the rights guaranteed*

by treaty between two independent powers may be abridged or modified by the municipal regulations of one of the parties, without and against the consent of the other. Such a position is so utterly untenable, that it would be needless to dwell on it." [Senate Documents, 28 Con. 2nd Sess., page 23.] If the injured party fails of obtaining redress, in such a case, it is not because the right can be called in question, but for the want of an adequate tribunal to administer the remedy. Congress, then, cannot by legislation, impair or destroy rights secured by a treaty.

But, if it is not competent for Congress to do away rights acquired under a treaty, no reason exists why a State should claim that power. Such rights are not to be impaired by municipal legislation, either on the part of Congress or of the States; and it only remains to inquire whether the Act of 1835 does infringe the provisions of the treaty, in respect to British vessels. It cannot be denied that before the passage of the Act of 1822 a British ship, with a coloured crew, had a right to enter the ports of this State; and that the master of the vessel was entitled to the benefit of the services of his crew in loading and unloading his cargo; and the crew themselves were protected from any violence to their liberty. By that and the subsequent Acts their situation is materially changed for the worse. The interference with the employment of the crew has sometimes been defended by analogy to quarantine regulations. In a court of justice, such an argument could not be heard. Treaties always suppose the existence of quarantine regulations, and never mean to interfere with them. There is no analogy between such a case and that of new regulations, or regulations of a different matter, interfering with the express provisions of a treaty.

Neither can interference with the obligations of the treaty be justified, in a court of justice, on the ground of necessity; for the necessity which will excuse in a court of justice a strict performance of a contract must be a necessity of which the court can judge; but of the necessity of this law nobody can judge except those who passed it. And if those who passed the Act claim an authority to interfere with rights held under treaty stipulations, whenever the public good may, in their opinion, require it, the claim would amount to that evasion of all the obligations of a treaty so justly condemned in Mr. Calhoun's letter to Mr. Shannon.

On the other hand, for the Judges to assume the province of determining when necessity authorises a State to counteract a treaty would be to usurp the functions of the Legislature, and to review their discretion. The Legislature have either an absolute authority over the subject, or they have none. We have seen that they have not an absolute authority; and, of course, they have none at all inconsistent with the fair exposition of the obligations of the treaty.

The validity of the Act of 1835 will then depend on the terms of the treaty, and it will be valid if there is no incompatibility between them. But the discrepancy between them is obvious; and if the Act be tried by this, which is the only legal test, it must fall. This question was considered and decided so long ago as 1823, by Mr. Justice Johnson, of

the Supreme Court of the United States, who held the Act of 1822—which comes under the same head with the Act of 1835—unconstitutional and void. I regret that I could not obtain a copy of the opinion delivered by him, which might have enabled me to present the matter under a better or more able view of the subject. At least, I have the satisfaction of being sustained by his opinion, and am not aware of any opposing authority in laying down, as I do, that the Act of 1835 is contrary to the rights secured to British vessels by the Treaty of 1815, and is so far null and void.

(Signed) J. L. PETIGRU.

From the Charleston Southern Standard, December 16, 1851.

REPORT.

Her Britannic Majesty's Consul complains that, by the existing law of this State, a class of her Britannic Majesty's subjects (negroes and persons of colour), entering the ports of South Carolina, in trading vessels, or in cases of distress, are taken from the protection of the British flag and imprisoned in the common jail until the moment of the ship's departure. He insists that this is in contravention of treaty stipulations and the law of nations, and that this law is void under the Constitution of the United States, which provides that "treaties made under the authority of the United States shall be the supreme law of the land." He also insists that this law is injurious to the interests of her Britannic Majesty's subjects in general, but more especially those of her West India Colonies, "to whose small but numerous vessels, necessarily manned by mixed and chiefly coloured crews, the ports of North and South Carolina, respectively, are more especially suited, and at all seasons accessible;" and intimates that, while a substitution of any more protecting basis of commercial intercourse for the present treaty would be at variance with the wishes of her Britannic Majesty's Government, such substitution may be expected, unless a perfect reciprocity in its advantages in the unrestricted trade of her Britannic Majesty's West India Colonies with all parts of the United States be admitted, and recounts the advantages we may lose in such an event.

The law complained of has been in existence for near thirty years, under different Acts of the General Assembly, during all which time our courts, both State and Federal, have been open to all affected by it who might wish to put it to the test of a judicial decision. In that whole period, although the then Attorney-General of the United States, almost immediately after its first enactment, had given the opinion referred to in the second communication of her Britannic Majesty's Consul, but one attempt has been made to procure such a decision. That attempt was made by a British subject; and although it failed from fatal exceptions taken to the process employed, it elicited a discussion which

illuminated the whole subject, and in the following year (1824), when the opinion of Mr. Attorney-General Wirt was submitted to the Legislature of the State, it was disallowed, and its conclusions denied after respectful consideration. Ever since that time obedience to the provisions of the law has been invariably and firmly exacted from all, of every State and nation, entering our ports, without another challenge to judicial investigation.

The direct course of communication with our State Government, adopted by her Britannic Majesty's Government through her Consul here, which has attracted so large a share of public attention in all parts of the Union, while it is proffered and should be cordially accepted as "a further proof of the consideration and goodwill of her Britannic Majesty's Government towards South Carolina," is only to be explained and justified by (and of itself imports) the recognition of the absolute power of the State over the whole subject of complaint. If a law obnoxious to a foreign nation in amity with the United States be within the reach of the treaty-making power, the Executive Department of the Federal Government is the depository of that power, and should be invoked, as *it* alone is the proper organ for response. But where such law is beyond the reach of the treaty-making power, and within the executive control of a particular State, there the foreign power may apply directly to the State itself, which, "with the consent of Congress," may, under express provision of the Constitution of the United States, "enter upon agreement or compact" upon the subject, with such foreign power. The consent of Congress is not required to authorise *negotiation* in such case. Negotiation must precede agreement or compact, and may result in nothing; but if it lead the foreign power and the State to terms of compact, mutually acceptable, then that compact upon those terms must be submitted to Congress, and by Congress assented to and made binding and complete, or, if disapproved, made null and void. But when a State is invited to such negotiation, she stands on the same footing as any independent nation, free to choose and of full power and authority to grant or to withhold; and the power that invites would seem to admit her lawful jurisdiction over the whole subject of negotiation under her responsibility as a State. The want of accurate knowledge of the division of power between the State and Federal Governments would generally lead (and where such knowledge is possessed courtesy might incline) a foreign nation seeking some change in the law of a particular State to make application in the first instance to the Executive of the United States. In the case under consideration, although not stated in either of the communications of her Britannic Majesty's Consul, it is understood that this course was pursued, and her Britannic Majesty's Government was referred to the Government of this State—a reference in strict accordance with the Constitution, respectful to the State, and, doubtless, prompted by a desire on the part of the President to preserve the amity which has now so long and so happily subsisted between the two countries, but only explicable, and therefore should directly have conveyed to her Britannic Majesty's Government, and to

her Britannic Majesty's Consul, too, the most unqualified recognition of the constitutionality of the law. The objection to its validity is, under all these circumstances, very extraordinary, and should be abandoned or referred to the judges of the land, many of whom have already spoken with authority upon the principle involved.

The existing treaty between Great Britain and the United States was made several years after the passage of our first Act of Assembly on this subject. The original Convention, made in 1815, was limited to the period of four years from its date. In 1818 its provisions were extended to a period of ten years, by the 4th Article of the Convention, made in that year, between the two nations. In 1827 another Convention was made, by which the provisions of the Convention of 1815 were extended indefinitely, subject to abrogation by either party upon giving twelve months' notice of intention to annul it. It is this last Treaty of 1827 only which confers on British subjects any privileges in our ports. At its date our Act had been in force for nearly five years; had been constantly enforced during all that time; a British subject had questioned it before a federal tribunal; the opinion of the Attorney-General of the United States had been expressed, and our General Assembly had declared the dissent of the State from that opinion, and her determination to maintain the law. Under these circumstances the Convention of 1827 was entered into, with full knowledge of our intention to continue this law in force; and there cannot now be any just cause of complaint.

As to her Britannic Majesty's West India subjects, they never had any rights under the treaty, from the date of the first Convention up to the present time. The first article of the Convention of 1815 provides for a reciprocal treaty of commerce only, between "the territories of the United States of America and all the territories of her Britannic Majesty *in Europe*;" and the second article, which provides for no higher or other duties on the productions of each country than on those of other foreign nations, concludes with the express stipulation that "the intercourse between the United States and her Britannic Majesty's possessions in the West Indies and on the Continent of North America should not be affected by any of the provisions of that article, but each party should remain in the complete possession of its rights, with respect to such intercourse." In 1823, for the first time, was any lawful direct trade allowed between the United States and the West Indies, when an Act of Congress was passed, opening our ports to the West Indies, in acceptance of an offer made by an Act of Parliament of 3rd Geo. IV. to open certain ports in the West Indies to our vessels. The only rights her Britannic Majesty's West India subjects are now or ever have been entitled to claim in our ports is, therefore, under the Act of Congress, and not under the treaty. Twenty years before that Act (in 1803), our Legislature had enacted that "no negro or other person of colour, whether bonded or free, should be imported or brought into this State, or *enter* the same, from the Bahama or West India Islands;" and our Act of 1822 had been passed before our ports

were opened to the West India trade. To yield our Act for the benefit of the British West Indies would be to abandon a long settled policy of the State, and your Committee cannot recommend it. Nothing could be more dangerous and annoying than to give access, without restriction "at all seasons," to their "small but numerous vessels, necessarily manned by mixed and chiefly coloured crews," many of which have been probably but recently emancipated. Such a course would tend rather to mutual suspicion, irritation, vexation, and dispute, than to strengthen the bonds of friendship.

There is but one feature in our law which can, in any view, be considered harsh, and of that her Britannic Majesty's Government should be last to complain. The provisions of our present Act extend alike to vessels driven upon our shores or into our ports, by storms or accidents at sea, as to trading vessels. Those coloured seamen who come in trading vessels come voluntarily, against our express prohibition, which they are bound to know and to respect. The only mode of preventing the repetition of the offence is to subject the offenders to some degree of punishment or inconvenience. Our law does this in the mildest manner consistent with our peace and quiet, by imprisoning the seaman as a necessary precaution to prevent his access to our slaves; while the master of the vessel is at the expense of the seaman's wages and maintenance, without the benefit of his services. The master and the owner of the vessel are generally more to blame, because they ought to be better informed of the laws of the country to which they trade than the ignorant seaman. But the vessel which seeks refuge in our harbours, from the power of the tempest or the dangers of the seas, is the object of commiseration rather than of condemnation. If possible, we should receive such a vessel which had never contemplated so disastrous an aberration from her lawful voyage with kindness and hospitality, and give her aid, and leave herself and her crew in her distress to the exclusive law of her flag. But Great Britain cannot affirm that such is the law of nations, when she herself, enlightened and potent as she is, has constantly refused to admit the principle into her code. In 1835, the brig *Enterprise* sailed from the District of Columbia for one of the ports of this State (Charleston), with slaves on board. She was on a lawful voyage, with regular papers, but was, unhappily, forced by stress of weather into Port Hamilton, Bermuda Island, where the negroes on board were forcibly seized and detained by the local authorities. The owners of the negroes, after applying in vain to the local authorities for their surrender, made application to the Federal Government for redress; but, after a long negotiation, the British Government refused to make any compensation, on the ground that their local law, emancipating slaves, justified the seizure of the property of our fellow-citizens. Even as late as 1842, when the case of the *Creole* (a vessel carried into the port of Nassau by negroes who had committed mutiny and murder) was the subject of correspondence between our Secretary of State; and the British Minister, Lord Ashburton, declined to make a distinct recognition of the rule which

had been unanimously agreed to in the Senate of the United States, that the flag should protect a vessel driven by stress of weather into a friendly port against the interference of the local authorities with the relations of the persons on board.

Your Committee, nevertheless, while insisting that, even in cases where British vessels are driven into our ports by stress of weather, her Britannic Majesty's Government cannot, with any justice, claim at our hands the recognition of such a rule of the law of nations, would recommend that our law be made to conform to the opinion of the United States Senate, adopted at the suggestion of our own distinguished and lamented statesman.

Your Committee do not perceive the necessity of confining the coloured seamen taken out of ships coming into our ports in the common jail. The object is certainly not so much to punish as to warn and seclude such persons from our coloured population; and your Committee would therefore recommend that some arrangement to that end should be made by the Sheriff and Commissioners of Public Buildings of the district in which our ports are situated.

Your Committee beg leave to submit the following resolutions :—

Resolved—That, in the opinion of this Legislature, the law of the State to prevent free negroes and other persons of colour from entering into the same does not conflict with the treaty of commerce between Great Britain and the United States, nor with the Constitution of the United States, nor any law made in pursuance thereof.

Resolved—That it is proper so to amend our law as to exempt from its operation vessels driven into our ports by stress of weather, or other unforeseen accident, provided the coloured seamen on board strictly confine themselves within such vessel, under their own flag.

Resolved—That it is expedient that some arrangement should be made by the Sheriff and the Commissioners of Public Buildings, in those districts wherein our seaports are situated, whereby coloured seamen, taken out of vessels coming into our ports, shall be kept apart from the prisoners in our jails.

Resolved—That his Excellency the Governor be requested, in communicating the foregoing resolutions to her Britannic Majesty's Government, through her consul, to assure them that the law to which exception has been taken, was passed and is maintained in no spirit of unfriendliness to the British nation, nor from any desire to embarrass their commerce, or to offend their just pride, but because it is deemed important to the internal peace and security of the State; and also to assure them, in response to the intimation that our adherence to the obnoxious regulation may lead to heavier impositions upon the importation of our products into the British dominions, that the people of this State are firmly attached to the principles of free-trade, and fully appreciate the pre-eminent importance of an unrestricted commerce with the subjects of her Britannic Majesty. But, highly as they value this most important branch of their trade, they value still more highly the exercise of their own untrammelled judgment in the

selection of the necessary and proper means for securing their own safety and welfare, not inconsistent with a due regard to the rights of others. If they are compelled to choose between a commercial interest and an essential attribute of independent sovereignty, they will unhesitatingly prefer the latter; and they believe that their choice will command the approbation and sympathy of the Government and people of Great Britain.

Resolved—That the law should be amended as indicated in the preceding report, and the second and third resolutions above, and a Bill for that purpose is herewith submitted.

EDWARD MCCREADY, *in behalf of the Committee.*

From the Charleston Mercury, Thursday, Dec. 18, 1851.

Our Legislature adjourned on Tuesday. In this morning's issue will be found a letter from our Columbian correspondent containing the list of Acts passed during the Session, and the resolution of thanks adopted by the House of Representatives to their Speaker, the Hon. James Simons, and his reply thereto.

From the Columbia *Carolinian and Telegraph* we learn that on Tuesday, in the House of Representatives, in the progress of reports, the Committee on Coloured Population, to whom had been referred the Governor's message transmitting a communication from the British Consul, made the following report:—

The Committee on Coloured Population, to whom was referred a message of his Excellency the Governor, with accompanying documents, report—

"That they have examined the communication transmitted by his Excellency, and received by him from her Britannic Majesty's Consul, and they find that it refers to a subject treated of in a former communication from the same functionary. That this matter was at that time referred to a Special Committee in this House, which had made a report accompanied by a Bill; all of which was before this House for its consideration.

"The present communication consists for the most part of such arguments and considerations as it would seem ought, in the opinion of the writer, to induce a modification of our law, together with comments on the report and resolutions submitted on the co-ordinate branch of the Legislature. In this connexion your Committee cannot suppress an expression of surprise at the course her Britannic Majesty's Consul has thus thought proper to pursue in addressing to the Executive of the State arguments and comments upon proceedings still pending before the Legislature. They deem it quite unnecessary to make any remarks upon the tone or possible purpose of such a course, or enter upon an examination of the views and arguments contained in the communication. The whole matter referred has already received full

consideration at the hands of a Special Committee of the House, and your Committee would therefore ask to be discharged, and would recommend to the House an indefinite postponement of the documents referred to them. "Respectfully submitted,

"J. HARLESTON READ, JR., *Chairman.*"

Mr. Ayer submitted the following resolutions:—

Resolved—That his Excellency the Governor be, and he is hereby requested to receive no further or other communication whatever from the British Consul, George B. Mathew, Esq.

Resolved—That his Excellency the Governor be, and he is hereby requested strictly, promptly, and effectually to enforce, whenever occasion may require, the provisions of the Act of the Legislature, entitled, "An Act to provide for the punishment of Persons disturbing the peace of this State in relation to Slaves and Free Persons of Colour," passed on the 18th day of December, 1844.

Mr. Ayer advocated the resolutions at some length. Mr. J. Izard Middleton, Mr. Read, Mr. Torre, and Mr. Memminger expressed their dissent to the resolutions.

Mr. Torre moved to lay the resolutions of Mr. Ayer on the table, which was carried.

The report of the Committee on Coloured Population was then agreed to.

Mr. McCready called up the report of the Special Committee on the same subject, *which after some discussion, and the rejection of the last resolution reporting a Bill to amend the law, was adopted.*

AN ACT,

To provide for the punishment of Persons disturbing the Peace of this State, in relation to Slaves and Free Persons of Colour.

(Referred to in the Resolutions of Mr. Ayer.)

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any person or persons who shall, on his, her, or their own behalf, or under colour, or in virtue of any commission or authority from any State or public authority of any State in this Union, or of any foreign power, come within the limits of this State, for the purpose, or with intent to disturb, counteract, or hinder the operation of such laws and regulations as have been or shall be made by the public authorities of this State, in relation to slaves or free persons of colour such person or persons shall be deemed guilty of a high misdemeanour, and shall be committed for trial to the common jail of the district, by anyone of the Judges of the Courts of Law or Equity, or the Recorder of the City of Charleston, unless admitted to bail by the said judge or recorder; and upon conviction thereof, by any court of competent jurisdiction, shall be sentenced to banishment from the State, and to such fine and imprisonment as may be deemed fitting by the court which shall have tried such offence.

II. That any person within this State who shall at any time accept any commission or authority from any State or public authority of any State in this Union, or from any foreign power in relation to slaves or free persons of colour, and who shall commit any overt act with intent to disturb the peace or security of this State, or with intent to disturb, counteract, or hinder the operation of the laws or regulations of the public authorities of this State, made or to be made in relation to slaves or free persons of colour, such person shall be deemed guilty of a misdemeanour, and upon due conviction thereof before any competent court shall be sentenced to pay, for the first offence, a fine not exceeding one thousand dollars, and to be imprisoned not exceeding one year; and for the second offence, he shall be imprisoned for seven years, and pay a fine of not less than one thousand dollars, or be banished from the State, as the court shall see fit.

III. That the governor for the time being shall require any person or persons, who shall or may have come within the limits of this State, on his, her, or their own behalf, or under colour, or in virtue of any commission or authority from any State or public authority of any State in this Union, or from any foreign power, having relation to the laws or regulations of this State on the subject of slaves or free persons of colour, to depart from the limits of this State within forty-eight hours after such notice, and such person shall thereupon be bound to depart; and in case of his neglect or refusal so to depart, as aforesaid, the said person shall be deemed guilty of a high misdemeanour, and shall be committed by the same authority hereinbefore stated, for trial, to the common jail of the district, unless admitted to bail as hereinbefore stated; and, upon due conviction before any court of competent jurisdiction, shall be sentenced to be banished from the State, and to such fine and imprisonment as the court shall think expedient.

IV. That any person who shall be convicted a second or subsequent time under the provisions of the first or third sections of this Act, shall be imprisoned for a term not less than seven years, and shall pay a fine not less than one thousand dollars, and shall, in addition thereto, be banished from the State.

V. That it shall be the duty of the sheriff of the district to see that any sentence of banishment be duly executed, and that the offender be sent without the limits of the State; and in case any person so banished shall return within this State (unless by unavoidable accident), the sheriff of the district where he may be found shall hold him in close confinement under the original sentence, until such offender shall enter into recognisances before the clerk of the court, with sufficient sureties to comply with the terms of the said sentence, and for ever to remain within the limits of this State.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-four, and in the sixty-ninth year of the sovereignty and independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

H.B.M.'s Consulate of N. and S. Carolina,
Charleston, Jan. 5, 1852.

SIR,—I have the honour to acknowledge your Excellency's letter of the 13th ult., notifying the transmission of my communication of the 10th to the Legislature.

The daily papers have subsequently made known to me the "Report" of the Select Committee to the House of Representatives, the adoption of the "Reports" and "Resolutions" presented to them by both branches of the Legislature, and the indefinite postponement of the matter.

The ensuing proceedings respecting my communication, and with regard to me in my official capacity, require no comment at my hands.

While no personal considerations will ever deter me from the unhesitating performance of my duties (of which I know, and have no wish to outstrip, the limits), I trust always to avoid giving just ground of offence, by tone or manner.

For my acts, I am, I believe, legally amenable to the courts of the United States, and to these exclusively.

I need scarcely remark to your Excellency that the time when the subject of the coloured laws, mooted by my brief correspondence of last session, was "under discussion," when adverse resolutions had been offered, and when legislation was "pending," presented an opportunity *the most appropriate, and the most consonant to usage and etiquette*, for submitting the arguments I judged most likely to conduce to the amendment of the enactments to which it had been my duty to invite attention.

In now addressing your Excellency, I am desirous of noticing briefly one or two points in the reports of the Select Committee, and of giving, with your permission, publicity to my remarks, as the sole way open to me of removing a very erroneous impression of the extent of the demand made, and of the nature of the course taken, on this occasion.

I apprehend that it was competent to her Majesty's Government, either to press their just reclamations upon the authorities at Washington, to direct legal steps on the matter there or here, or to authorise a representation by the British local functionary, against a law affecting the privileged commerce, and the liberties of British subjects, in a part of his consular district, to the authorities from whom it emanated, and to take such ulterior steps by legal or federal appeal, or by retaliatory measures, in the event of non-success, as they might think fit.

The prescribed duties of a British Consul have been correctly quoted, as follows:-

"In the event of any attempt being made to injure British subjects, either in their persons or property, he will uphold their rightful interests and the *privileges secured to them by treaty, by due representation in the proper official quarters*;" and, "if redress cannot be obtained *from the local administration*, or if the matter of complaint be not within their jurisdiction, the consul will apply to the Consul-General

or to H.M.'s Minister, if there be no Consul-General in the country where he resides."

I find that instructions of a precisely similar nature are given to the consuls of the United States.

The choice, then, of the last-named course, which involved no connexion with the question of the position of a State of this Union, with regard to "compacts" or "negotiations" with a foreign power, evidenced, I conceive, under the existing circumstances, marked sentiments of consideration for the Federal Government and for the State, which the result has not shown to have been reciprocated by the latter.

The pointed moderation of Great Britain, in waiting from year to year, *as the records of this office amply prove*, from the good faith, the friendly sentiments, and the wiser policy of South Carolina, the voluntary alteration of her laws, merited, it will be conceded, from a State so largely benefited by the liberal basis of British commerce, higher appreciation, and should not have been made the subject of taunt.

It would be inferred from the language of the "Reports" that a demand had been made upon the State to "surrender" and to "yield," *in toto*, the laws respecting free persons of colour; but my letter of the 10th specifically points out (without prejudice to the full rights of Great Britain) an amendment suggested by the press (restricting coloured persons to their vessels, except when under a police-pass on shore, and requiring bond from the masters for their good conduct and departure), by which the chief ground of national offence, and of commercial injury and injustice, would have been removed, *without possible danger to the peace of the State.*

In 1843, in pursuance of a "message" from Governor Hammond, a Bill upon a similar basis was brought in by Mr. Hunt, Chairman of the Committee on Federal Relations, who is stated to have ably advocated it, and was supported "energetically" by Mr. Memminger, who is reported to have "exposed the insufficiency of the Act of 1835 to accomplish the object intended." *This Bill was carried in the House by no less than 68 to 32, but was unfortunately defeated in the Senate.*

Judge O'Neill, in his recently published digest of the negro law of South Carolina, states—

"The 1st, 2nd, 3rd, and 5th sections of the Act of 1835 are to my mind of so questionable a policy, that I should be disposed to repeal them. They carry with them so many elements of discord with our sister States, and foreign nations, that unless they are of paramount necessity, which I have never believed, we should at once strike them out. I am afraid, too, there are many grave constitutional objections to them in whole or in part."

To the opinions already quoted, of Mr. Calhoun, and of Mr. Justice Johnson, might be added many others; but it is sufficient to have shown to your Excellency that the reclamations recently made, in an unfeigned tone of goodwill and courtesy (and so differently responded to), might have been satisfactorily met by a measure which one of the

ablest Governors of South Carolina, and two-thirds of the House of Representatives believed would tend to strengthen, not to impair, the real efficiency of the law, and which conceded *less* than the most eminent jurists of the State deemed just and wise.

It is very difficult, under these circumstances, to avoid being impressed by the idea that some ulterior object or concealed cause must have influenced a result so hostile to Great Britain, which my extended communication with members of the Legislature, and the opinions I have heard generally expressed, led me to expect would have proved entirely different.

With a population of nearly 9000 free persons of colour, and with the constant transit of travellers from other States and countries, it cannot be imagined that any slave in this city or State is uninformed of the existence of negro freedom, or of the geographical limits of slavery, nor do I doubt from your Excellency's benevolent and wise views that you will concur in the opinion that it is by kindness and by security against ill-treatment, and not by evidently futile attempts to perpetuate ignorance, that the bondsman may be found resigned to the state in which Providence has placed him.

I have had, on the other hand, opportunities of knowing how much ill-will, and what deep irritation, is caused among the white part of a crew, whose coloured members have been carried to a prison, and who are consequently assisted by slave-labour, at great cost, in unloading and loading their vessels.

Repudiating, then, as I do, as wholly unworthy of credit, and as of suicidal policy, the allegation that the owners of wharf and dock labourers have attempted to exert an influence in this matter—repudiating, too, the insinuation that it was feared to concede to some what it was wished not to grant to others, I am at a loss to understand the aim of those who would desire to maintain laws (were there legality even admitted), which not only are shown in their present shape to be unnecessary, but which will eventually be productive of the very danger they are designed to preclude.

On Saturday, and again on this very day, the spectacle has been exhibited in the streets of Charleston of unoffending British seamen taken forcibly from the protection of the flag of their country, and marched along to a jail!

Your Excellency may believe me that exhibitions of this nature, were it possible to suppose their continuance, will not tend to the benefit or to the honour of this State.

I abstain from commenting upon the great and evident advantage that the virtual admission that laws so offensive and so repugnant are needful to the maintenance of the institutions of South Carolina, must give to the opponents of those institutions.

I entertained the hope, sir, that this subject would be treated as one of a friendly consideration and concession, more than as a question of disputed law, or litigated rights; but I find that the Select Committee have chosen to meet it solely upon this basis, and the Legislature, by

passing the reports and the resolutions annexed to them, have become parties to the views and statements conveyed by them.

The "Report" and "Resolutions" passed by the Senate are based upon the alleged support of an opinion of Chief Justice Taney, of the Supreme Court of the United States. The Report adopted (with *similar* resolutions) by the House states that any question of the validity of the law "*should be abandoned or referred to the judges of the land, many of whom have already spoken with authority upon the principle involved.*"

I am far, sir, from doing the members of the Legislature the gross injustice of doubting but that they would *therefore*, individually and collectively, be guided by the law of the United States, to which they have chosen to refer, should the subject, *in accordance with their desire*, be brought under its cognisance, and that they would in every way *facilitate* a full and speedy hearing of the *actual* legal point at issue, before the high tribunal to which they have alluded.

The question of the privileges, under the treaty, of coloured British subjects arriving from Europe would seem to be conceded, in the "Report" to the Senate, except upon the ground that in their case no real commercial impediment arose; for it admits that, if the effect of the law was such "as seriously to obstruct or embarrass the intercourse which the treaty was intended to sanction and secure, *this would be a fraud upon the treaty, and it might justly be complained of as such.*"

I cannot assent to the principle that either a country, or a component part of a country, is thus entitled to a one-sided interpretation of the plain words of a treaty with another party, or to be the judge of what is, or what is not, of embarrassment or obstruction to other nations.

The "serious obstruction" to the trade *from the West Indies* is not denied; but the claim of her Britannic Majesty's subjects in those Islands to protection against such obstructions, under the treaty, and under the laws and Constitution of the United States, appears to have escaped the notice of the Select Committee. If it exists, the illegality and injustice of the law must, *on their own showing*, be admitted by the Committee and Legislature.

Unless the last clause of the first article of the treaty, quoted in my letter of the 10th, viz., "And generally the merchants and traders of each *nation* respectively *shall enjoy the most complete protection and security for their commerce*," can be proved to be compatible with the imprisonment of the master and crew of a trading vessel, and unless it can be maintained that the proclamation of the President of the United States, of October 5th, 1830, declaring that the ports of the United States are "open" to British vessels from *all* ports of entry in the West Indies, from the Bahamas, and the Bermudas, and that "they shall be admitted with their cargoes, subject to no other or higher duty of tonnage, or impost, or any charge of any description whatever, than would be levied on vessels of the United States," is not grossly violated by a law which directs the imprisonment and, under certain circumstances,

the sale at auction, as slaves, of the mariners (who are often owners on shares) of the vessel and cargo, *so ordered to be freely admitted*, it will be clear that her Britannic Majesty's West Indian subjects are equally shielded, both by the treaty, by the laws of the United States, *and* by the Constitution, which vests in the Federal Government the *exclusive power of regulating commercial intercourse.*

If each State of this Union could legally, under the plea of police regulations, neutralise any part of a treaty, the Constitution of the country, which declares that a treaty shall be "the supreme law of the land," would become a mere name, without meaning or power, and the United States would be rendered incapable of entering into any treaties of commerce, or of alliance with foreign nations. The State that this year obstructs commerce with the West Indies might next year pass an Act against the admission of emigrants from Great Britain, Ireland, or Germany.

Impediments, indeed, have already been attempted to be placed on Irish emigration; and it will probably not be unknown to your Excellency that the Supreme Court of the United States has recently, upon the words of the treaty with Great Britain, declared null and void the Acts of two States of the Union, imposing a tax upon emigrants, although to be used for unobjectionable purposes.

If, indeed, this anomalous power *were* vested in the separate States of the Union, its exercise in the present instance should have been by total exclusion from "*entry*," and not by any offensive penalties when entered, and exceptions should have been made in regard to vessels in distress; for I appeal without hesitation to your Excellency, if laws which consign a mariner wrecked upon this coast to a common jail among malefactors are not repugnant to humanity and civilisation?

But that eminent and lamented statesman, Mr. Calhoun, whose official opinion has, even on a point of the law of nations, proved in this case powerless with the Legislature of his native State, *has emphatically declared that no such power, at variance with treaty stipulations, can exist.*

The Committee, in their Report, have (unintentionally, I feel assured) fallen into a grave error, and have founded upon it an argument of weight.

No "local law" of the Bermudas, unparticipated in by the whole British Empire, could have been alleged in 1835 against a demand for the restoration or value of American slaves, stated to have been landed in that year from a vessel in distress.

The Imperial Act of Abolition declares that, "on and after the 1st day of August, 1834, slavery shall be, and is hereby, utterly and for ever abolished, and *declared unlawful* throughout the British colonies, plantations, and possessions abroad.

In the case of the *Creole*, the vessel was taken possession of and restored to the owners; but the British law not acknowledging slavery,

the authorities could have no legal power to pursue and give up the slaves, who had all gained the shore.

The law of Jamaica, of the Bermudas, or of any other country under the British Crown, *cannot*, with regard to foreign nations, vary from the law of England. The law of the British Empire, and the law of the *United States*, are the laws referred to in the treaty, as the "laws and statutes of the two countries respectively."

I may add here that Chief Justice Taney's legal opinion will be found on record, when Attorney-General (on the 6th December, 1831), intimating to a British proprietor of a slave that the treaty between the two nations did not give him a right to demand the restoration of his slave from the United States.

The counter-point, therefore, attempted to be urged, of the freedom of American slaves on British territory, is wholly alien to the question.

With regard to a further statement in the Report to the House, I may observe that, until the passing of the law complained of, free coloured persons notoriously came without hindrance in British vessels to the State, and in several instances settled therein; and so far from the British Government having official notice in 1827 of the intended continuance of the law, it had been communicated to them from the proper federal authority that the law was "null and void," for being against the treaties, laws, and Constitution of the United States.

I venture to entertain no doubt of your Excellency's enlightened and personal sentiments on this subject; and I have now, I believe, laid proof before you that in the opinion of many of the citizens of the State, the most distinguished for talent and patriotism, the present laws affecting a class of H.B.M.'s subjects entering the ports of this State for legitimate commerce are illegal, impolitic, and unnecessary. There is yet, sir, another cause, which must insure their abrogation: it is that public opinion, throughout the United States—*in the South as in the North*—is evidently opposed to them.

Look, sir, at the present state of the civilised world under the influence of this greatest human power—look at the future of this great country, whose progress, under firm and wise guidance, can only be retarded by unworthy jealousies of other nations, or by such acts as these, and judge whether a system of legislation, which, at best, but serves to show the desire of avoiding, to the injury of others, the due trouble and cost of an effective police against disturbers of the peace, can or ought to be maintained.

A nation must, at all risks, in the present day, *enforce* her treaties within her boundaries, or she justly incurs a lasting moral fall in the esteem of civilisation.

I have full faith in the Government of the United States to carry out, *with the universal support of the country*, the stipulations of their treaties with foreign nations, in their integrity, and to enforce equally in all parts of the Union the laws and Constitution of the land. But permit me, sir, to hold fast to the hope that the Legislature, and the

people of this State (the sentiments of the majority of whom I do not conceive to accord with this peremptory and hostile rejection of the representations made by Great Britain), will, on more mature consideration, *unite* in condemnation of the existing law.

I have the honour to be,
With every sentiment of personal consideration,
Your Excellency's obedient servant,
GEORGE MATHEW.

MEMORANDUM.

It appears that shortly after the above correspondence a Glasgow vessel was brought into Charleston in a sinking state, on her return voyage from Jamaica, and was broken up. One of her crew, a man of colour (Manuel Pereira), was immediately placed in jail. The British Consul immediately sued for a *habeas corpus* in the courts of the State, but his application was rejected. He then appealed to the higher court, pending which an attempt was made by the Sheriff of Charleston to ship Pereira off, with the obvious probable result of *thus* ending any legal steps: the necessary steps for carrying on the suit having been taken, and due notice thereof having been given to the Attorney-General of South Carolina, the man was sent to New York.

A second case, in a vessel trading for provisions from the Bahamas, occurred; and both are being prosecuted with the view of bringing the subject to the decision of the Supreme Court of the United States.

